By Mr. HOFFMAN:
H. Con. Res. 51. Concurrent resolution against adoption of Reorganization Plan No. 3 of May 27, 1947; to the Committee on Expenditures in the Executive Departments.
By Mr. AUCHINCLOSS:
H. Res. 228. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 195; to the Committee on House Administration.
By Mr. GILLIE:
H. Res. 229. Resolution providing for an investigation with respect to the background and qualifications of persons considered for appointment as Superintendent of Police of the District of Columbia; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:
H. R. 3712. A bill for the relief of Frank Loiacomo; to the Committee on the Judiciary.
By Mr. DAVIS of Georgia:
H. R. 3713. A bill for the relief of Mrs. Judge E. Estes; to the Committee on the Judiciary.
By Mr. THOMASON:
H. R. 3714. A bill for the relief of James Fred Girdley; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

596. By Mr. BRADLEY: Petition of R. H. Simmons and 24 others, of the Eighteenth Congressional District of California, urging favorable consideration and passage of H. R. 969, which would increase the pensions of the Spanish-American War veterans and their widows by 20 percent; to the Committee on Veterans' Affairs.

597. By Mr. CASE of South Dakota: Petition of Charles R. Horton, Sr., Quinn, S. Dak., and 26 others, all members of Eastern Pennington County Cooperative Grazing District, asking that certain recommendations attached hereto be considered before any action is taken on H. R. 1692, which proposes disposition of submarginal lands acquired under the Bankhead-Jones Act; to the Committee on Agriculture.

598. By the SPEAKER: Petition of Francis Jean Reuter, petitioning consideration of his resolution with reference to civil-service status; to the Committee on Post Office and Civil Service.

599. Also, petition of the membership of the Tampa Townsend Club, No. 19, Tampa, Fla., petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

600. Also, petition of the membership of the Tampa Townsend Club, No. 35, Tampa, Fla., petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

601. Also, petition of the membership of the Tampa Townsend Club, No. 15, Tampa, Fla., petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

602. Also, petition of the membership of the Tampa Townsend Club, No. 8, Tampa, Fla., petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

SENATE

WEDNESDAY, JUNE 4, 1947

(Legislative day of Monday, April 21, 1947)

The Senate met, in executive session, at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

O Lord our God, as we seek Thy guidance this day, we do not ask to see the distant scene, knowing that we can take only one step at a time. Make that first step plain to us, that we may see where our duty lies, but give us a push, that we may start in the right direction.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the legislative proceedings of Tuesday, June 3, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 135) to legalize the admission into the United States of Frank Schindler.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 617. An act for the relief of James Harry Martin;

H. R. 631. An act for the relief of the Allied Aviation Corp.;

H. R. 637. An act for the relief of Marvin Pettus;

H. R. 837. An act for the relief of the estate of Abram Banta Bogert;

H. R. 987. An act for the relief of Lorenzo H. Froman;

H. R. 993. An act for the relief of the estate of Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb;

H. R. 1144. An act for the relief of Samuel W. Davis, Jr., Mrs. Samuel W. Davis, Jr., and Betty Jane Davis;

H. R. 1152. An act for the relief of Mrs. Inga Patterson, widow of F. X. Patterson;

H. R. 1497. An act for the relief of the estate of George W. Coombs;

H. R. 1531. An act for the relief of William P. Gillingham;

H. R. 1658. An act for the relief of Norman Thoreson;

H. R. 1742. An act for the relief of Mary Lomas;

H. R. 1799. An act for the relief of Eva L. Dudley, Grace M. Collins, and Guy B. Slater;

H. R. 1851. An act for the relief of A. J. Davis, Mrs. Lorene Griffin, Earle Griffin, and Harry Musgrove;

H. R. 2302. An act for the relief of New Jersey, Indiana & Illinois Railroad;

H. R. 3170. An act for the relief of R. W. Wood;

H. R. 3387. An act for the relief of Bruce Bros. Grain Co.; and

H. J. Res. 96. Joint resolution authorizing the President to issue posthumously to the late Roy Stanley Geiger, lieutenant general, United States Marine Corps, a commission as general, United States Marine Corps, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 565. An act to amend section 3539 of the Revised Statutes relating to taking trial pieces of coins;

S. 566. An act to amend sections 3533 and 3536 of the Revised Statutes with respect to deviations in standard of ingots and weight of silver coins;

S. 583. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes;

S. 993. An act to provide for the reincorporation of Export-Import Bank of Washington, and for other purposes;

S. 1022. An act to authorize an adequate White House Police force;

S. 1073. An act to extend until June 30, 1949, the period of time during which persons may serve in certain executive departments and agencies without being prohibited from acting as counsel, agent, or attorney for prosecuting claims against the United States by reason of having so served; and

H. R. 1. An act to reduce individual income-tax payments.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing sundry nominations in the Army, which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

CONSULAR CONVENTION WITH THE REPUBLIC OF THE PHILIPPINES—REMOVAL OF INJUNCTION OF SECRECY

The PRESIDENT pro tempore. The Chair lays before the Senate Executive Q, Eightieth Congress, first session, a consular convention between the United States and the Republic of the Philippines, signed at Manila on March 14, 1947. Without objection, the injunction of secrecy will be removed from the convention, and it will be referred to the Committee on Foreign Relations and printed in the RECORD. The Chair hears no objection.

The convention is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the consular convention between the United States of America and the Republic of the Philippines, signed at Manila on March 14, 1947.

I also transmit for the information of the Senate the report by the Secretary of State with respect to the convention.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 4, 1947.*

(Enclosures: 1. Report of the Secretary of State. 2. Consular Convention between the United States and the Republic of the Philippines, signed March 14, 1947.)

DEPARTMENT OF STATE,
Washington, June 2, 1947.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a consular convention between the United States of America and the Republic of the Philippines, signed at Manila on March 14, 1947.

The convention establishes the rights, privileges, immunities, and exemptions of consular officers of the United States in the Philippines and of consular officers of the Philippines in the United States.

Article II of the treaty of general relations between the United States of America and the Republic of the Philippines, signed at Manila on July 4, 1946, contains provisions relating to consular representation as follows:

"The consular representatives of each country, duly provided with exequatur, will be permitted to reside in the territories of the other in the places wherein consular representatives are by local laws permitted to reside; they shall enjoy the honorary privileges and the immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any other foreign country."

By an exchange of notes dated July 10 and 12, 1946, between the Philippine Secretary of Foreign Affairs and the American Ambassador in Manila, the two Governments confirmed that they would observe the provisions of article II of the treaty of general relations "pending final ratification thereof." The treaty of general relations entered into force on October 22, 1946, upon the exchange of instruments of ratification thereof.

The consular convention signed on March 14, 1947, contains provisions, comprehensive in scope, similar in substance to provisions in consular conventions or to consular provisions in treaties of friendship, commerce, and consular rights in force between the United States and many foreign countries. For example, the provisions in articles I, II, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, and XVI of this convention correspond, respectively, to the provisions in articles I, II, III (par. 1), IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, and XIV of the most recently concluded consular convention between the United States and a foreign country, namely, the consular convention with Mexico, signed on August 12, 1942, which entered into force on June 1, 1943 (57 Stat., pt. 2, 800). Article III of the convention with the Republic of the Philippines corresponds to provisions in numerous existing treaties or conventions of the United States; for example, the second paragraph of article VI of the consular convention of April 22, 1926, with Cuba (44 Stat. 2471), the second and third paragraphs of article XXI of the treaty of friendship, commerce, and consular rights of February 13, 1934, with Finland (49 Stat. 2659), and the third and fourth paragraphs of article III of the consular convention of October 7, 1938, with Liberia (54 Stat. 1751). Article XV has no exact counterpart in existing treaties or conventions of the United States, but is consistent with the principles and purposes of standard consular provisions and its effect is simply to express an understanding which, for all practical purposes, would be given effect in any event.

Among the principal exemptions to be accorded under the convention to consular officers of each country in the other country, and to certain other persons, are the exemptions provided in article IV with respect to taxes levied on their persons or property and on salaries, allowances, fees, or wages received for consular services, and the exemptions provided in article V with respect to duties on the importation of baggage and other personal property.

It is provided in article XVI that the convention shall take effect upon the exchange of ratifications, shall continue in force for the term of 10 years, and shall continue in effect after that period subject to the right of either party to give 6 months' notice to the other party of an intention to terminate the convention.

Respectfully submitted.

G. C. MARSHALL.

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES

The President of the United States of America, and the President of the Philippines, being desirous of defining the rights, privileges, exemptions and immunities of consular officers of each country in the territories of the other country, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

The President of the United States of America:

His Excellency Paul V. McNutt, Ambassador of the United States of America, and

The President of the Philippines:

His Excellency Elpidio Quirino, Vice President and concurrently Secretary of Foreign Affairs of the Republic of the Philippines.

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed on the following Articles:

ARTICLE I

1. The Government of each High Contracting Party shall, in respect of any consular officer duly commissioned by it to exercise consular functions in the territories of the other High Contracting Party, give written notice to the Government of such other High Contracting Party of the appointment of such consular officer and shall request that recognition be accorded to such consular officer. The Government of each High Contracting Party shall furnish free of charge the necessary exequatur of any consular officer of the other High Contracting Party who presents a regular commission signed by the Chief Executive of the appointing country and under its great seal, and shall issue to a subordinate or substitute consular officer who is duly appointed by an accepted superior consular officer or by any other competent officer of his Government, such documents as according to the laws of the respective High Contracting Parties shall be requisite for the exercise by the appointee of the consular function; provided in either case that the person applying for an exequatur or other document is found acceptable.

2. Consular officers of each High Contracting Party shall, after entering upon their duties, enjoy reciprocally in the territories of the other High Contracting Party rights, privileges, exemptions and immunities no less favorable in any respect than the rights, privileges, exemptions, and immunities which are enjoyed by consular officers of the same grade of any third country and in conformity with modern international usage. As official agents, such officers shall be entitled to the high consideration of all officials, national, state, provincial or municipal, with whom they have official intercourse in the territories of the High Contracting Party which receives them. It is understood that the term "consular officers", as used in the present Convention, includes consuls general, consuls and vice consuls who are not honorary.

3. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, any secretary, chancellor or assistant, whose official character as an employee in the consulate may previously have been made known to the Government of the High Contracting Party in whose territories the consular function was exercised, may temporarily exercise the consular functions of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, privileges, exemptions and immunities that were granted to the consular officer.

4. A consular officer or a diplomatic officer of either High Contracting Party, a national of the country by which he is appointed and duly commissioned or accredited, may, in the territories of the other High Contracting Party, have the rank also of a diplomatic officer or consular officer, as the case may be, it being understood that permission for him to exercise such dual functions shall have been duly granted by the Government of the High Contracting Party in the territories of which he exercises his functions.

ARTICLE II

1. Consular officers, nationals of the High Contracting Party by which they are appointed, and not engaged in any private occupations for gain within the territories of the country in which they exercise their functions, shall be exempt from arrest in such territories except when charged with the commission of an offense designated by local legislation as a crime other than a misdemeanor and subjecting the individual guilty thereof to punishment by imprisonment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever, and the exemptions provided for by this sentence shall apply equally to employees in a consulate who are nationals of the High Contracting Party by which they are employed, and not engaged in any private occupation for gain.

2. In criminal cases the attendance at court by a consular officer as witness may be demanded by the plaintiff, the defense or the court. The demand shall be made with all possible respect for the consular dignity and the duties of the office, and when so made there shall be compliance on the part of the consular officer.

3. In civil cases, consular officers shall be subject to the jurisdiction of the courts in the territories of the High Contracting Party which receives them. When the testimony of a consular officer who is a national of the High Contracting Party which appoints him and who is not engaged in any private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

4. Consular officers and employees in a consulate shall not be required to testify in criminal or civil cases, regarding acts performed by them in their official capacity.

ARTICLE III

1. The Government of each High Contracting Party shall have the right to acquire and hold, lease and occupy land and buildings required for diplomatic or consular purposes in the territories of the other High Contracting Party, and shall have the right to erect buildings on land which is held by or on behalf of such Government in the territories of the other High Contracting Party for diplomatic or consular purposes, subject to local building regulations.

2. No tax of any kind, national, state, provincial or municipal, shall be levied in the territories of either High Contracting Party on the Government of the other High Contracting Party, or on any officer or employee of such other High Contracting Party, in respect of land or buildings acquired, leased, or occupied by such other High Contracting Party and used exclusively for the conduct of official business, except assessments levied

for services or local public improvements by which the premises are benefited, provided the right of each High Contracting Party to tax the owner of property leased to the other High Contracting Party is not hereby abridged.

ARTICLE IV

Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, and not engaged in any private occupation for gain within the territories in which they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal, levied on their persons or property, except taxes levied on account of the possession or ownership of immovable property situated within the territories in which they exercise their functions or taxes levied on account of income derived from property of any kind situated within such territories. Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, shall be exempt from the payment of all taxes, national, state, provincial and municipal, on the salaries, allowances, fees or wages received by them in compensation for consular services.

ARTICLE V

1. All furniture, equipment and supplies intended for official use in the consular offices and official consular residences of either High Contracting Party in the territories of the other High Contracting Party shall be permitted entry into such territories free of all duty.

2. Consular officers of either High Contracting Party and members of their families and suites, including employees in a consulate and their families, shall be exempt from the payment of any duty in respect of the entry into the territories of the other High Contracting Party of their baggage and all other personal property, whether preceding or accompanying them to a consular post, either upon first arrival or upon subsequent arrivals, or imported at any time while assigned to or employed at such post.

3. It is understood, however,

(a) that the exemptions provided in paragraph 2 of this Article shall not be extended to consular officers and members of their suites, including employees in a consulate, who are not nationals of the High Contracting Party by which they are appointed or employed, or who are engaged in any private occupation for gain within the territories of the other High Contracting Party;

(b) that in the case of each consignment of articles imported for the personal use of consular officers or members of their families or suites, including employees in a consulate and their families, at any time during their official residence within the territories in which they exercise their functions, a request for entry free of duty shall be made through diplomatic channels; and

(c) that nothing herein shall be construed to permit the entry into the territory of either High Contracting Party of any article the importation of which is specifically prohibited by law.

ARTICLE VI

1. Consular officers of either High Contracting Party may place over the outer door of their respective offices the arms of their country with an appropriate inscription designating the nature of the office, and they may place the coat of arms and fly the flag of their country on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their country on their offices, including those situated in the capitals of the respective countries. They may likewise fly such flag over any boat, vessel, or aircraft employed in the exercise of their consular functions.

2. The quarters where consular business is conducted, all consular correspondence in transit under official seal, and all papers, records, and correspondence comprising the consular archives shall at all times be inviolable and under no pretext shall any authorities of any character of the country in which such quarters or archives are located invade such premises or make any examination or seizure of papers or other property in such quarters or of such archives. When the consular officers are engaged in business within the territories in which they exercise their functions, the consular files and documents shall be kept in a place entirely separate from the place where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or to testify as to their contents.

ARTICLE VII

1. Consular officers of either High Contracting Party shall have the right, within their respective consular districts, to apply to or address the authorities, national, state, provincial, or municipal, for the purpose of protecting the nationals of the High Contracting Party by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection shall justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital shall have the right to apply directly to the Government of the country.

2. Consular officers of either High Contracting Party shall, within their respective districts, have the right to interview, to communicate with, and to advise nationals of their country; to inquire into any incidents which have occurred affecting the interest of such nationals; and to assist such nationals in proceedings before or relations with authorities in the territories of the other High Contracting Party. Consular officers of either High Contracting Party shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted without delay to visit and communicate with any such national.

3. Nationals of either High Contracting Party in the territories of the other High Contracting Party shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of either High Contracting Party who are under detention or arrest or in prison or are awaiting trial in the territories of the other High Contracting Party shall be forwarded without delay to such consular officers by the local authorities.

ARTICLE VIII

1. Consular officers in pursuance of the laws of their respective countries shall have the right, within their respective consular districts:

(a) To take and attest the oaths, affirmations or depositions of any occupant of a vessel of their country, or of any national of their country, or of any person having permanent residence within the territories of their country:

(b) To authenticate signatures;

(c) To draw up, attest, certify and authenticate unilateral acts, translations, deeds, testamentary dispositions and contracts of the nationals of the High Contracting Party by which the consular officers are appointed; and

(d) To draw up, attest, certify, and authenticate unilateral acts, deeds, contracts, testamentary dispositions and written instruments of any kind, which are intended to have application, execution and legal effect principally in the territories of the High Contracting Party by which the consular officers are appointed.

2. Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of either High Contracting Party as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by or executed before a notary or other public officer duly authorized in the territories of the High Contracting Party by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity with the laws and regulations of the country where they are designed to take effect.

ARTICLE IX

1. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the High Contracting Party of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the persons concerned.

2. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without will or testament whereby he has appointed a testamentary executor, the consular officer of the High Contracting Party of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of such property. Such consular officer shall have the right to be appointed as administrator within the discretion of a court or other agency controlling the administration of estates, provided the laws governing administration of the estate so permit.

3. Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself in that capacity to the jurisdiction of the court or other agency making the appointment for all necessary purposes to the same extent as if he were a national of the High Contracting Party by which he has been received.

ARTICLE X

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may be nonresidents of the country and nationals of the High Contracting Party by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by duly authorized representatives.

2. A consular officer of either High Contracting Party shall have the right, on behalf of the nonresident nationals of the High Contracting Party by which he was appointed, to collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of workmen's compensation laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees, provided that the court or other agency making distribution through him may require him to furnish reasonable evidence

of the remission of the funds to the distributees, it being understood that his responsibility with respect to remission of such funds shall cease when such evidence has been furnished by him to and accepted by such court or other agency.

ARTICLE XI

1. A consular officer of either High Contracting Party shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country and shall alone exercise jurisdiction in situations, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrong-doing shall have entered the territorial waters or territories within his consular district. Consular officers shall also have jurisdiction over issues concerning the adjustment of wages of the crews and the execution of contracts relating to their wages or conditions of employment, provided the local laws so permit.

2. When acts committed on board private vessels of the country by which the consular officer has been appointed and within the territories or the territorial waters of the High Contracting Party by which he has been received, constitute crimes according to the laws of the receiving country, subjecting the persons guilty thereof to punishment by a sentence of death or of imprisonment for a period of at least one year, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the laws of the receiving country.

3. A consular officer shall have the right freely to invoke the assistance of the local police authorities in all matters pertaining to the maintenance of internal order on board vessels of his country within the territories or the territorial waters of the country by which he has been received, and upon such request the requisite assistance shall be given promptly.

4. A consular officer shall have the right to appear with the officers and crews of vessels of his country before the judicial authorities of the country by which he has been received for the purpose of observing proceedings or of rendering assistance as an interpreter or agent.

ARTICLE XII

1. A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined to and about to clear for the ports of his country, for the sole purpose of observing the sanitary conditions and measures taken on board such vessels, in order that he may be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels.

2. In exercising the right conferred upon them by this Article, consular officers shall act with all possible dispatch and without unnecessary delay.

ARTICLE XIII

1. All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other High Contracting Party shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person authorized for such purpose by the law of such country and whose identity and authority shall be made known to the local authorities by the consular officer.

2. The local authorities of the country where the wreck has occurred shall immediately inform the consular officer, or such other authorized person, of the occurrence. Pending the arrival of the consular officer or such other authorized person, the local authorities shall take all necessary measures for the protection of persons and the preservation of the wrecked property. The local authorities shall intervene only to maintain order, to protect the interests of the salvors, if the salvors do not belong to the crew of the wrecked vessel, and to ensure the execution of the arrangements which shall be made for the entry and exportation of the salvaged merchandise and equipment. It is understood that such merchandise and equipment shall not be subjected to any customs or customhouse charges unless intended for consumption in the country where the wreck has occurred.

3. When the wreck occurs within a port, there shall be observed also those arrangement which may be ordered by the local authorities with a view to avoiding any damage that might otherwise be caused thereby to the port and to other ships.

4. The intervention of the local authorities shall occasion no expense of any kind to the owners or operators of the wrecked vessels, except such expenses as may be caused by the operations of salvage and the preservation of the merchandise and equipment saved, together with expenses that would be incurred under similar circumstances by vessels of the country.

ARTICLE XIV

Honorary consuls or vice consuls of either High Contracting Party, as the case may be, shall enjoy those rights, privileges, exemptions and immunities provided for in Article I, paragraph 1, Article II, paragraph 1, Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XIV of the present Convention, for which they have received authority in conformity with the laws of the High Contracting Party by which they are appointed; and they shall enjoy in any case all the rights, privileges, exemptions and immunities enjoyed by honorary consular officers of the same rank of any third country.

ARTICLE XV

A consular officer shall cease to discharge his functions (1) by virtue of an official communication from the Government of the High Contracting Party by which appointed addressed to the Government of the High Contracting Party by which he has been received advising that his functions have ceased, or (2) by virtue of a request from the Government of the High Contracting Party by which appointed that an exequatur be issued to a successor, or (3) by withdrawal of the exequatur granted him by the Government of the High Contracting Party in whose territory he has been discharging his duties.

ARTICLE XVI

1. The present Convention shall be ratified and the ratification thereof shall be exchanged at Manila. The Convention shall take effect in all its provisions immediately upon the exchange of ratifications and shall continue in force for the term of ten years.

2. If, six months before the expiration of the aforesaid period of ten years, the Government of neither High Contracting Party shall have given notice to the Government of the other High Contracting Party of an intention to terminate the Convention upon the expiration of the aforesaid period of ten years, the Convention shall continue in effect after the aforesaid period and until six months from the date on which the Government of either High Contracting Party shall have notified to the Government of the other High Contracting Party an intention to terminate the Convention.

In faith whereof the above named plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Manila, this fourteenth day of March in the year of our Lord one thousand nine hundred and forty-seven and of the Independence of the Republic of the Philippines the first.

For the Government of the United States of America:

[SEAL] PAUL V. McNUTT.

For the Government of the Republic of the Philippines:

[SEAL] E. QUIRINO.

TRANSACTION OF LEGISLATIVE BUSINESS

By unanimous consent, as in legislative session, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

TRANSFER BY NAVY DEPARTMENT OF CERTAIN VESSELS TO CITY OF JACKSONVILLE, FLA.

A letter from the Acting Secretary of the Navy, reporting, pursuant to law, that the city of Jacksonville, Fla., had requested the Navy Department to transfer an aircraft rescue boat and a personnel boat for use in the training and recreation of boys of that city; to the Committee on Armed Services.

DONATIONS BY NAVY DEPARTMENT TO MUNICIPALITIES AND AN AMERICAN LEGION POST

A letter from the Acting Secretary of the Navy, reporting, pursuant to law, a list of municipalities and an American Legion post which have requested donations from the Navy Department; to the Committee on Armed Services.

DAMAGES FOR ILLEGAL USE OF GOVERNMENT-OWNED LANDS OR RESOURCES

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to prescribe the measure of damages on account of trespass upon, unlawful use of, and unlawful enclosure of lands or resources owned or controlled by the United States (with an accompanying paper); to the Committee on Public Lands.

PROPOSED AMENDMENT OF FEDERAL AIRPORT ACT

A letter from the Acting Secretary of Commerce, recommending a proposed amendment to section 17 (c) of the Federal Airport Act, Public Law 377, Seventy-ninth Congress, relating to limitation on submission of claims; to the Committee on Interstate and Foreign Commerce.

PERSONNEL REQUIREMENTS

A letter from the Acting Chairman of the National Mediation Board, transmitting an estimate of personnel requirements for the National Mediation Board, including the National Railroad Adjustment Board, for the quarter beginning July 1, 1947 (with accompanying papers); to the Committee on Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. LANGER and Mr. CHAVEZ members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

Petitions of sundry citizens of Palm Beach and West Palm Beach, and members of the

Tampa Townsend Club, No. 35, all in the State of Florida, praying for the enactment of the so-called Townsend plan to provide old-age assistance; to the Committee on Finance.

The petition of A. Goad, of Carroll County, Va., praying for the enactment of legislation to continue the Agricultural Adjustment Administration; to the Committee on Appropriations.

A telegram in the nature of a petition from the New Jersey League of Women Shoppers, Newark, N. J., signed by Mae K. Rubin, president, praying for the enactment of the so-called Murray-Wagner bill, being the bill S. 528, to continue rent control until June 30, 1948; ordered to lie on the table.

By Mr. BROOKS:

A joint resolution of the Legislature of the State of Illinois; to the Committee on Finance:

"Senate Joint Resolution 16

"Whereas there was imposed by the Revenue Act of 1932, enacted by the Seventy-second Congress, a tax of 1 cent upon every gallon of gasoline sold in the United States; and

"Whereas this excise, although originally imposed upon the people of the United States as a measure to endure only for the period of the depression, has not only been continued until the present day but was actually increased by 50 percent in 1941; and

"Whereas both the economic depression, which was cited as justification for the original levy, and the war emergency under pressure of which the tax was increased, have, for all practical purposes, ceased to exist; and

"Whereas it is an accepted principle of political economy that funds obtained from taxation of gasoline and lubricating oils are to be used only for improvement of roads and motoring conditions; and

"Whereas the receipts from this tax are not allocated to a special fund, appropriation from which is restricted to the purposes mentioned above; and

"Whereas by its action the Federal Government has tapped a source of revenue which has always been regarded as a State prerogative and has usurped powers which the Constitution reserves to the States and the people: Therefore be it

"*Resolved by the Senate of the Sixty-fifth General Assembly of the State of Illinois (the house of representatives concurring herein)*, That we hereby petition and memorialize the Eightieth Congress of the United States to repeal immediately those provisions of the Revenue Act of 1932, as amended, which impose a tax upon the production and distribution of gasoline; and be it further

"*Resolved*, That copies of this resolution be prepared by the secretary of state and forwarded to every Member of Congress from the State of Illinois.

"Adopted by the senate March 12, 1947.

"Concurred in by the house of representatives May 22, 1947."

By Mr. PEPPER:

A memorial of the Legislature of the State of Florida; to the Committee on Public Lands:

"Senate Memorial 1

"Memorial to petition the President and the Congress of the United States to take appropriate measures to assist in the restoration and preservation of the city of St. Augustine, Fla., and other historic missions, forts, and landmarks of the State of Florida

"Whereas the city of St. Augustine was founded in the year 1565 and is the oldest city in the United States; and

"Whereas as the oldest city in the United States it is of vital importance as a national historic shrine; and

"Whereas the State of Florida contains many other forts, missions, and other places of great historic interest which should be restored and preserved; and

"Whereas by appropriate action, the President and the Congress of the United States have aided and assisted in the restoration and preservation of historic missions, forts, and landmarks throughout the United States of America: Now, therefore, be it

"*Resolved by the Legislature of the State of Florida:*

"(1) That the President and the Congress of the United States are hereby petitioned to adopt and carry out appropriate measures to aid and assist in the restoration and preservation of the historic city of St. Augustine, Fla., and to aid and assist in the restoration and preservation of other historic missions, forts, and landmarks throughout the State of Florida.

"(2) The President and the Congress of the United States are hereby petitioned to cause to be minted a memorial half-dollar coin with appropriate design to commemorate the program of the restoration and preservation of the city of St. Augustine, Fla., and other historic missions, forts, and landmarks of the State of Florida.

"(3) That copies of this memorial be transmitted to the President of the United States, to the Speaker of the House of Representatives, and President of the Senate in Congress and to each of Florida's representatives in both the House and Senate in Congress.

"(4) That a copy of this memorial be spread upon the journal of both the Senate and House of Representatives of the State of Florida and sufficient copies thereof be furnished to the press.

"Became a law without the Governor's approval.

"Filed in office of secretary of state, May 26, 1947."

PROHIBITION AGAINST LIQUOR ADVERTISING

Mr. CAPPER. Mr. President, I ask unanimous consent to present for reference to the Senate Committee on Interstate and Foreign Commerce, a petition signed by 1,445 residents of Nashville, Tenn., praying for the enactment of my anti-liquor-advertising bill, S. 265.

This is indicative of the whole-hearted response coming from all sections of the country urging adoption of the measure.

Mr. President, I ask unanimous consent that the petition, without signatures attached, be printed in the RECORD.

There being no objection, the petition was received, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, without the signatures attached, as follows:

To our Senators and Representatives in Congress:

We respectfully request that you use your influence and vote for the passage of S. 265, a bill to prohibit the transportation of alcoholic beverage advertising in interstate commerce and the broadcasting of alcoholic beverage advertising over the radio. The most pernicious effect of this advertising is the constant invitation and enticement to drink. The American people spent $7,770,000,000 for alcoholic beverages in 1946 as compared with $3,700,000,000 in 1942. During the same period there was a corresponding increase each year in crime. There is every reason why this expenditure should not be increased, but decreased.

RECOGNITION OF GOD AS FOUNTAIN OF RIGHTS AND LIBERTIES—RESOLUTION OF GENERAL ASSEMBLY OF PRESBYTERIAN CHURCH

Mr. BROOKS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a most significant resolution which was unanimously adopted by the One Hundred and Fifty-ninth General Assembly of the Presbyterian Church. The resolution was presented by Mr. Chauncey McCormick, of Chicago, who was a commissioner to this significant assembly. I commend its reading to the Members of Congress.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

The One Hundred and Fifty-ninth General Assembly of the Presbyterian Church in the United States of America in session at Grand Rapids, Mich., recalls with pride and gratitude the fact that the Reverend John Witherspoon of our church was the only ordained minister who signed the Declaration of Independence wherein we recognized the Creator as the source of our inalienable rights and the Author of our liberties.

It also recalls that the same John Witherspoon assembled the supreme ruling body of our Presbyterian Church in Philadelphia in 1787 in coincidence with the meeting there of the national convention held in Independence Hall under the Presidency of George Washington for the purpose of writing the Constitution of the United States.

Many Presbyterians, including John Witherspoon, were members of this national convention and with their influence, our National Government was founded which later adopted as the motto on its coinage "In God We Trust."

In violation of tradition and of our customs as a God-fearing people, our Government caused to be called together an international congress to meet in San Francisco in 1945, without making reference to the Deity, and furthermore our Government, as host to that congress, failed to recognize God in any manner.

Now, therefore, this assembly respectfully requests our Government constantly to be mindful of its avowed faith in Almighty God as the fountainhead of our rights and liberties, and on every public occasion to give due and proper recognition of this faith.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILEY, from the Committee on the Judiciary:

H. R. 360. A bill for the relief of the legal guardian of Francis Eugene Hardin, a minor; without amendment (Rept. No. 236).

By Mr. ECTON, from the Committee on Public Lands:

S. 484. A bill to authorize and direct the Secretary of the Interior to issue to Joseph J. Pickett a patent in fee to certain land; without amendment (Rept. No. 237).

CLAIM OF J. B. McCRARY CO., INC.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. WILEY, from the Committee on the Judiciary, reported an original resolution (S. Res. 122), which was ordered to be placed on the calendar, as follows:

Resolved, That the bill (S. 708) entitled "A bill for the relief of the J. B. McCrary Co., Inc.," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims pursuant to section 151 of the Judicial Code, as amended; and the said court shall proceed expeditiously with the same in accordance with the provisions of such section and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform Congress of the nature and character of the demand, as a claim, legal or equitable, against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 4, 1947, he presented to the President of the United States the following enrolled bills:

S. 565. An act to amend section 3539 of the Revised Statutes, relating to taking trial pieces of coins;

S. 566. An act to amend sections 3533 and 3536 of the Revised Statutes with respect to deviations in standard of ingots and weight of silver coins;

S. 583. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein and for other purposes;

S. 993. An act to provide for the reincorporation of Export-Import Bank of Washington, and for other purposes;

S. 1022. An act to authorize an adequate White House Police force; and

S. 1073. An act to extend until June 30, 1949, the period of time during which persons may serve in certain executive departments and agencies without being prohibited from acting as counsel, agent, or attorney for prosecuting claims against the United States by reason of having so served.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McMAHON (by request):

S. 1376. A bill for the relief of Juan Roura and Teresa Roura; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

S. 1377. A bill for the relief of Manfred J. Kress; to the Committee on the Judiciary.

By Mr. MYERS:

S. 1378. A bill for the relief of Giovanni Battista Mondillo; to the Committee on the Judiciary.

By Mr. BALDWIN:

S. 1379. A bill for the relief of the city of Hartford, Conn.; to the Committee on the Judiciary.

S. 1380. A bill to authorize the construction of a chapel at the Coast Guard Academy, and to authorize the acceptance of private contributions to assist in defraying the cost of construction thereof; to the Committee on Interstate and Foreign Commerce.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H. R. 617. An act for the relief of James Harry Martin;

H. R. 631. An act for the relief of the Allied Aviation Corp.

H. R. 637. An act for the relief of Marvin Pettus;

H. R. 837. An act for the relief of the estate of Abram Banta Bogert;

H. R. 987. An act for the relief of Lorenzo H. Froman;

H. R. 993. An act for the relief of the estate of Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb;

H. R. 1144. An act for the relief of Samuel W. Davis, Jr.; Mrs. Samuel W. Davis, Jr.; and Betty Jane Davis;

H. R. 1152. An act for the relief of Mrs. Inga Patterson, widow of F. X. Patterson;

H. R. 1497. An act for the relief of the estate of George W. Coombs;

H. R. 1531. An act for the relief of William P. Gillingham;

H. R. 1658. An act for the relief of Norman Thoreson;

H. R. 1742. An act for the relief of Mary Lomas;

H. R. 1799. An act for the relief of Eva L. Dudley, Grace M. Collins, and Guy B. Slater;

H. R. 1851. An act for the relief of A. J. Davis, Mrs. Lorene Griffin, Earle Griffin, and Harry Musgrove;

H. R. 2302. An act for the relief of New Jersey, Indiana & Illinois Railroad;

H. R. 3170. An act for the relief of R. W. Wood; and

H. R. 3387. An act for the relief of Bruce Bros. Grain Co.; to the Committee on the Judiciary.

H. J. Res. 96. Joint resolution authorizing the President to issue posthumously to the late Roy Stanley Geiger, lieutenant general, United States Marine Corps, a commission as general, United States Marine Corps, and for other purposes; to the Committee on Armed Services.

REPORT OF ADVISORY COMMISSION ON UNIVERSAL TRAINING

The PRESIDENT pro tempore laid before the Senate the following communication from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Armed Services:

THE WHITE HOUSE,
Washington, June 4, 1947.

Hon. ARTHUR H. VANDENBERG,
President of the Senate pro tempore,
United States Senate,
Washington, D. C.

MY DEAR MR. PRESIDENT: On October 23, 1945, I recommended to the Congress the enactment of a system of universal training. From the extensive discussion which followed, it was obvious that there was great disparity of viewpoint on the subject.

In an effort to clarify the situation, I appointed, on November 20, 1946, an Advisory Commission on Universal Training. I asked the Commission to determine whether the security of this Nation and the preservation of world peace required the establishment of a system of universal training. I asked further, that if such a system were deemed necessary, how it should be carried out to give this country the largest measure of protection, make maximum allowance for the spiritual, mental, and physical development of the young men in training, and keep costs at the lowest level consistent with attainment of its security goal.

The Commission has made an exhaustive investigation and has submitted an excellent report. It is significant to note that the members of the Commission, consisting of outstanding Americans in various fields of endeavor, unanimously recommend the adoption of universal training.

Copies of the report of the Commission are transmitted herewith for the information of the Congress and I urge that the Congress give early consideration to the subject of universal training which is, in the words of the Commission, "an essential element in an integrated program of national security designed to protect the United States against possible aggression, to perpetuate the freedoms for which millions shed their blood, and to hasten the advent of universal disarmament and peace through the United Nations."

Very sincerely yours,

HARRY S. TRUMAN.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. WHERRY. Mr. President, I ask unanimous consent that the subcommittee of the Committee on Appropriations dealing with the Interior Department appropriation bill may be permitted to hold hearings while the Senate is in session today, and during the remainder of the week while the Senate is in session.

The PRESIDENT pro tempore. Without objection, the order is made.

Mr. FERGUSON. Mr. President, I ask unanimous consent that the Surplus Property Subcommittee of the Committee on Expenditures in the Executive Departments be authorized to hold a meeting while the Senate is in session today.

The PRESIDENT pro tempore. Without objection, the order is made.

Mr. MORSE. Mr. President, I ask unanimous consent that the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare be authorized to hold a meeting at 2 o'clock today.

The PRESIDENT pro tempore. Without objection, the order is made.

Mr. FERGUSON. Mr. President, I ask unanimous consent that tomorrow and Friday the subcommittee of the Committee on the Judiciary investigating the Attorney General's office in connection with the primary election of a Representative in Kansas City, Mo., may sit while the Senate is in session.

The PRESIDENT pro tempore. Without objection, the order is made.

TREATY OF PEACE WITH ITALY

The Senate, as in Committee of the Whole, resumed the consideration of Executive F (80th Cong., 1st sess.), the treaty of peace with Italy, signed at Paris on February 10, 1947.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Arkansas [Mr. FULBRIGHT] to postpone until January 25, 1948, the further consideration of the pending treaty of peace with Italy.

Mr. WHERRY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Myers
Baldwin	Hayden	O'Conor
Ball	Hickenlooper	O'Daniel
Barkley	Hill	O'Mahoney
Brewster	Hoey	Pepper
Bricker	Holland	Reed
Bridges	Ives	Revercomb
Brooks	Jenner	Robertson, Va.
Buck	Johnson, Colo.	Robertson, Wyo
Bushfield	Johnston, S. C.	Russell
Byrd	Kem	Saltonstall
Cain	Kilgore	Smith
Capehart	Knowland	Sparkman
Capper	Langer	Stewart
Chavez	Lodge	Taft
Connally	Lucas	Taylor
Cooper	McCarran	Thomas, Okla.
Cordon	McCarthy	Thye
Downey	McClellan	Tobey
Dworshak	McFarland	Tydings
Eastland	McGrath	Umstead
Ecton	McKellar	Vandenberg
Ellender	McMahon	Watkins
Ferguson	Malone	Wherry
Flanders	Martin	White
George	Millikin	Wiley
Green	Moore	Williams
Gurney	Morse	Wilson
Hatch	Murray	Young

Mr. WHERRY. I announce that the Senator from Nebraska [Mr. BUTLER] is absent on official business.

The Senator from Missouri [Mr. DONNELL] is absent by leave of the Senate.

Mr. LUCAS. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Washington [Mr. MAGNUSON], the Senator from South

Carolina [Mr. MAYBANK], and the Senator from Louisiana [Mr. OVERTON] are absent by leave of the Senate.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate, having been appointed a delegate to the thirtieth session of the International Labor Conference to be held at Geneva, Switzerland.

The Senator from New York [Mr. WAGNER] is necessarily absent.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

NOMINATION OF MEMBER OF SECURITIES AND EXCHANGE COMMISSION

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. TOBEY. Mr. President, on May 27 the Senate Committee on Banking and Currency considered the nomination by the President of Mr. Edmond M. Hanrahan, of New York, to succeed himself as a member of the Securities and Exchange Commission. His term expires tomorrow. Due to the legislative situation in the Senate, the Executive Calendar has not been called for some days, and in view of the proximity of the date of expiration, and of the unanimous approval of the gentleman from New York to succeed himself as a member of the Securities and Exchange Commission, I ask unanimous consent, as in executive session, that the Senate may confirm the nomination of Mr. Hanrahan to be a member of the Securities and Exchange Commission, and that the President may be notified of such confirmation.

Mr. WHERRY. Mr. President, reserving the right to object, I should like to propound a parliamentary inquiry. If unanimous consent is granted for the purpose requested by the Senator from New Hampshire, does that open up the Executive Calendar for consideration of every nomination on the calendar?

The PRESIDENT pro tempore. In the opinion of the Chair, it is within the authority and jurisdiction of the Senate by unanimous consent to make any order it pleases in respect to restrictions. However, it is the Chair's understanding that that is a subject of controversy, and the Chair can give the Senator no assurances as to what the Senate's ultimate decision will be.

Mr. GEORGE. Mr. President, I merely rise to propound a parliamentary inquiry. Is not the Senate in executive session?

The PRESIDENT pro tempore. The Senate is in executive session under a unanimous consent agreement for the limited purpose, according to the RECORD, of considering the four pending treaties.

Mr. GEORGE. And for no other purpose?

The PRESIDENT pro tempore. And for no other purpose.

Mr. GEORGE. Then, Mr. President, I shall have to object, I will say to my distinguished friend from New Hampshire, because I do not think that is the way to do business. I am perfectly willing to enter into a gentleman's agreement that I will not bring up anything else on the Executive Calendar now or at any other time, but I shall have to object to the confirmation of the nomination if we are under a limited agreement.

The PRESIDENT pro tempore. Objection is heard to the request.

Mr. WHERRY. Mr. President, before the objection is entered I should like to say to the distinguished Senator from Georgia that I have no objection in any way whatsoever to bringing up for consideration the nomination in question.

Mr. GEORGE. I have none.

Mr. WHERRY. But in view of the colloquies in connection with parliamentary inquiries heretofore made, it is my understanding that the majority leader feels that the Senate is in executive session for the specific purpose of acting upon the Italian peace treaty. I do not want to become involved in any controversy respecting the matter. I should like the RECORD to show that I have no objection whatever to the request of the Senator from New Hampshire, except that I do not want to violate the specific agreement under which the majority leader feels the Senate is now operating.

Mr. TOBEY. Mr. President, I simply wish to add, before the matter is concluded, that my only thought in making the request—and there is nothing personal in the request whatever—was that, in view of the fact that the term of the incumbent, who was reappointed by the President as a member of the Securities and Exchange Commission, expires tomorrow, it is a matter of some urgency that the Senate act upon the nomination. I felt that it was advisable that the nomination be confirmed before Mr. Hanrahan's term expires. Only divine power knows how long the Senate will continue to consider the pending matter—it will be at least until tomorrow—and I made the request so that action might be taken before the expiration of the term. Of course, I understand and concede the right of any Senator to object to the request. I pay my tribute to the Senator from Georgia and take my seat.

Mr. GEORGE. I will say to the Senator from New Hampshire that I have no objection whatever to the confirmation of the nomination, but I think there could be no worse practice than for any party in power so to control the executive sessions as to limit consideration only to those things that a majority of the Senate wish to have them limited to at a particular time.

The PRESIDENT pro tempore. If the able Senator from Georgia is addressing that observation to the ruling of the Chair, the Chair would like to call the attention of the Senator to the fact that it is not the majority party which made the order, but that it was the unanimous consent of the entire Senate that made the order.

Mr. GEORGE. That is the reason why I am compelled to object, Mr. President. I am perfectly willing to move that the Senate proceed to the consideration of this particular nomination, if the Senator from New Hampshire should desire me to make such a motion.

Mr. TOBEY. I would appreciate the Senator doing so.

Mr. GEORGE. Mr. President, I move that the Senate proceed to the consideration of this particular nomination.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. Does that displace the pending business?

Mr. GEORGE. No.

Mr. WHERRY. That is, the consideration of the peace treaty in executive session?

Mr. GEORGE. No; it does not displace it nor alter its status.

The PRESIDENT pro tempore. The Chair would say that without unanimous consent along the line just indicated, in the Chair's opinion the proposed action would displace the unfinished business, and would not be in order under the existing unanimous-consent agreement.

Mr. GEORGE. Very well. Then I withdraw the motion.

TREATY OF PEACE WITH ITALY

The Senate, as in Committee of the Whole, resumed the consideration of Executive F (80th Cong., 1st sess.), the treaty of peace with Italy, signed at Paris on February 10, 1947.

Mr. EASTLAND. Mr. President, later in the day I shall speak in support of the Fulbright motion. At the request of the Senator from Arkansas I expect to call that motion up for a vote tomorrow, the Senator from Arkansas being absent on official business.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. WHERRY. On that point, if the debate on the Italian peace treaty comes to a conclusion prior to the hour of 2 o'clock tomorrow, will it be in order to vote on the motion of the Senator from Arkansas prior to that hour, or is it the understanding of the Senator from Mississippi that the motion will not be brought up until the peace treaty and any motions, amendments, or reservations thereto, shall be voted on at 2 o'clock tomorrow afternoon?

The PRESIDENT pro tempore. In the opinion of the Chair, the unanimous-consent agreement requires that at 2 o'clock tomorrow, without further debate, the Senate shall proceed to vote upon any motion, amendment, or reservation that may be pending at that time with respect to the treaties. In the Chair's opinion that does not preclude the Senate voting on any motions, amendments, or reservations prior to 2 o'clock tomorrow, and in the Chair's opinion, whenever the debate is exhausted on the pending motion, the motion will be put to the Senate for a vote.

Mr. EASTLAND. Mr. President, I desire to align myself with the senior Senator from Michigan [Mr. VANDENBERG] when he takes the position that the Hungarian coup by Russia should be referred to the United Nations organization. We have read in the public press in the past few days how a Communist coup inspired, directed, and imposed by the Russian Army has taken over the Hungarian Government and made that country another Russian satellite.

The Hungarian Government was a legal government, elected by the qualified voters of Hungary in a fairly conducted election. This government expressed the will of the Hungarian people. In the past few days, the Russians have forced the resignation of the Hungarian premier, the reorganization of the government along Communist lines, and the adoption of policies which are not created by the desires and the express will of the Hungarian people, acting through their duly constituted authorities. Mr. President, the Hungarian people are opposed to communism, and are opposed to the establishment in Hungary of a Communist police state. Communism is imposed on them against their will. In fact, the new Premier of Hungary was placed in office by the Russian military commander.

I have noted in the public press statements given anonymously by officials of the State Department to the effect that the United States will send a strong note of protest to the Soviet Government, and that this, with the suspension of credits, was the only action this country would take in the premises.

Mr. President, in an occurrence such as this, if our action is merely to send a note of protest, this is appeasement. In fact, this is the action which the Soviet Government hopes and expects that we will take. To merely send a note of protest is weak and futile. Let me repeat, it in itself is appeasement. It is plain that Russia, weak as she is as a result of the war, would not force her course of aggression, and would not attempt to impose her will upon other peoples, if she were not confident that her acts of aggression would be protested, appeased, and then condoned by the United States.

I submit that since 1945 that has largely been the foreign policy of this country—to protest, appease, and then to condone acts of aggression by a tyrant greater than Adolf Hitler. In the present Hungarian incident we are merely acting as Russia hopes and desires. This has been the history so far; and it appears that when the test comes, we have not changed our policies of weakness and vacillation.

Mr. President, we have a United Nations organization especially designed to handle situations such as these. It is the proper forum. Chapter I, article 1, paragraph 2, of the Charter of the United Nations provides:

> To develop friendly relations among nations based on respect of the principles of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace.

Article II, paragraph 4, of the same chapter provides:

> All members shall refrain in their international relations from the threat of the use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

Mr. President, we certainly have in the Hungarian instance a violation of the principles of equal rights and self-determination of peoples. Hungary is slated to be a Russian vassal, and she is deprived of her independence. The Charter of the United Nations provides, in chapter 6, article 34:

> The Security Council may investigate any dispute or any situation which might lead to international friction or give rise to a dispute in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

It is plain, Mr. President, that the United States, in conjunction with Great Britain, if the British desire, but without Britain if Britain will not act, should refer this matter to the Security Council of the United Nations for investigation and appropriate action. In addition, the Soviet Union has violated the Yalta agreement, which provides as follows:

> To foster the conditions in which the liberated peoples may exercise these rights, the three Governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe where, in their judgment, conditions require (a) to establish conditions of internal peace; (b) to carry out emergency measures for the relief of distressed peoples; (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people—

I emphasize that language—

> pledged to the earliest possible establishment through free elections of governments responsive to the will of the people—

I continue—

> and (d) to facilitate where necessary the holdings of such election.

Free elections were held in Hungary in 1945, and a government responsive to the will of the people was set up as a result of these elections. Now Russia has deposed this government, which is merely aggression against the independence of Hungary. It is the same kind of aggression which Hitler practiced against Czechoslovakia and other countries. As a result of the Russian violation of the Yalta agreement, there is a dispute between Russia on one hand and the United States and Great Britain on the other hand. This is such a dispute as will endanger international peace and security. It is a dispute over which the U. N. has jurisdiction. I insert that, unless we are again in fact condoning Russian aggression, this question must be referred to the U. N. That is the proper forum.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. WHERRY. Is it the Senator's judgment that this question should be referred to the United Nations with the idea that the Italian peace treaty be held in abeyance until we see what the decision is to be?

Mr. EASTLAND. I am coming to that. I think the Italian peace treaty should be held in abeyance; but whether it is held in abeyance or not, I think the Hungarian question should be referred to the Security Council for investigation and appropriate action. I believe that unless that is done the United Nations is dead.

Mr. WHERRY. The reason I submitted the question was that I wanted to get the judgment of the Senator as to the ratification of the Italian peace treaty. In other words, what has happened in Hungary might happen in Italy, might it not?

Mr. EASTLAND. I think it will happen in Italy unless Italy is occupied by this country until the Italian economy is rehabilitated and the people of Italy placed on such an economic footing that they can resist communism. That is just what we are doing in Germany.

Mr. WHERRY. In view of that statement, will the Senator yield further?

Mr. EASTLAND. Yes; I yield.

Mr. WHERRY. What is the opinion of the Senator as to the amount of force needed to occupy Italy until the desired result is accomplished?

Mr. EASTLAND. A token force.

Mr. WHERRY. How many do we have there now? Does the Senator know?

Mr. EASTLAND. I have no idea.

Mr. WHERRY. I think it was stated yesterday on the floor that there are approximately 25,000 troops there.

Mr. EASTLAND. There is going to be no communistic aggression against the American flag so long as the flag flies on the Italian Peninsula.

Mr. WHERRY. Does the Senator feel that the presence of our troops there will help to stabilize the economy of Italy, even though a peace treaty be not signed?

Mr. EASTLAND. I do not think the fact of the troops being there would help the economy of Italy.

Mr. WHERRY. I mean, the political and social situation.

Mr. EASTLAND. Yes; it would stabilize the political and social situation. It has stabilized the political situation, and it will prevent a communistic dictatorship in Italy.

Mr. WHERRY. The point which I should like again to stress and ask the Senator's judgment about is this: The plea for immediate ratification is that it will permit Italy to start out with a government which will enable Italy to function, and that that is the quickest and surest way to stop the infiltration of communism.

Mr. EASTLAND. We can build up the Italian economy without that. In fact, the safe thing to do is to remain there while we build it up. We intend to build up the German economy before there is a peace treaty. We intend to build it up while our Army is still there.

Mr. WHERRY. Will the Senator yield further?

Mr. EASTLAND. Yes.

Mr. WHERRY. If we do not continue to build the Italian economy, whether or not we ratify this peace treaty, is it the Senator's opinion that unless we keep a token force in Italy we will jeopardize the effect of the money we have appropriated?

Mr. EASTLAND. I think so; and it will cause Communist control of the Mediterranean.

Mr. KEM. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from Missouri.

Mr. KEM. Does the Senator from Mississippi feel that we should suggest that the Hungarian question be referred to the United Nations when our proposed intervention in Greece and Turkey was not so referred?

Mr. EASTLAND. The Greek-Turkish program was not an invasion of Greek sovereignty or of Turkish sovereignty. They are still sovereign states. The Hungarian incident is destructive of the freedom of the Hungarian people. The Hungarian people must be protected. The Hungarian people must be given justice. The organized might of civilization must be brought to bear to preserve the peace and protect the liberty of the Hungarian people.

It matters not, Mr. President, that Hungary is taken over by the Soviet Union's forcing the selection of puppet officials in the Government. This is still aggression. It is aggression that endangers the peace, and the United States Government, Mr. President, should immediately turn this matter over to the U. N.

We have just passed through the greatest war in history. We watched Hitler's aggressions against small countries. We realized then that aggression such as this finally light the flames of war throughout the whole world. We realized then, Mr. President, that aggression should be stopped when it began. We realized then that these acts of aggression lead to world war. Time and time again when the United Nations organization was being created at San Francisco, and during the debate which preceded its ratification in the United States Senate, I heard the leaders of our Government state that aggression must be stopped when it began. I agree that this is essential. We are obligated to take our stand behind the U. N. in this matter. If the United Nations organization is to function to prevent aggression and preserve the peace, if it is worth anything, then it must act to save Hungary in this case. I know Russia has the veto, but if Russia should veto action by the Security Council, it would be up to that organization to take whatever steps it is deemed wise to protect its dignity and the purposes of its creation. The civilized world cannot permit any nation to use the veto or remain in the U. N. as a shield to prevent action to stop aggression and to prevent action to protect the integrity of legal governments and the liberty of free peoples. The civilized world cannot permit any nation bent upon aggression and conquest to use the U. N. to stop action by peace-loving peoples to prevent war and maintain the peace. The integrity of the organization is at stake. Peace-loving nations must have a showdown with Russia within the United Nations organization. If Russia desires to get out, well and good. Her departure would not weaken the organization. It would strengthen it, because the nations who desire peace could then act in concert to protect the peace, free from delaying tactics and free from disintegrating influences. Mr. President, without the Soviet Union the United Nations organization would be much stronger and more effective than it is today. Without the Soviet Union it would be a world military alliance of free peoples against all aggression. If the organization cannot take an effective stand and prevent aggression, then its claims to promote the peace are fraudulent.

If Russia is not proceeded against, if the U. N. does not take action to protect the sovereignty and independence of Hungary, then the organization is dead. It has been destroyed by the Soviet Union. I can see no purpose in appropriating more moneys for its maintenance. If it is futile and ineffective, if it does not possess the power to prevent aggression and to maintain peace, then it is a fraud and we should no longer hold it out as an organization to preserve the peace and thereby create false hopes among the peoples of the world.

The question is asked as to what else the United States can do. Mr. President, the Senate of the United States has now under debate for ratification a treaty of peace with Italy, by virtue of which Russia is given $100,000,000 reparations out of current Italian production. In addition, Tito is given some of the territory and much of the scant Italian natural resources. In fact, by virtue of this treaty Yugoslavia gets 90 percent of Italy's hard coal and 65 percent of all her coal, including lignite.

Mr. President, at this time, in the face of the Hungarian aggression, in the face of the Communist threat to world peace, it would certainly be a humiliating act for the Senate to ratify the Italian Treaty. Why should we fatten aggressors? Why should we make them strong and better able to wage war? Most people realize, Mr. President, that if Communist aggression continues then war between Russia and the United States is inevitable. There must be a show-down, and that show-down should be in the United Nations. In the present state of world affairs, I think the Senate of the United States would be derelict in its duty if it strengthened the resources of Communist governments or if it ratifies the Italian Treaty in advance of a general European settlement.

We have just made effective the Truman doctrine and advanced $300,000,000 to Greece to protect herself because of the acts of aggression against her by Tito. These aggressions are all part and parcel of a common pattern of conquest. Why should we give the resources of Italy to strengthen the hands of Tito? Why should we give the resources of Italy to strengthen the hands of world communism? In the light of the Hungarian aggression, in the light of Tito's act of aggression against Greece, we are certainly not protecting the welfare of the United States by ratifying the Italian Treaty in advance of a general European and Asiatic settlement for peace.

Mr. President, the United Nations must mean something or nothing. There is no middle ground. It can either stop aggression and be a great factor for peace, or it can fold against the impact of an aggressor nation and accomplish nothing. The value of the United Nations is determined entirely by the integrity, the sincerity, the will, and the determination for peace and order of the great nations who compose the Security Council. The time has come for the United States to take a decisive stand against Russian aggression. The method of action is outlined in the charter of the United Nations organization. We must initiate the action, even if it means the ejection of Russia from the organization. This is the road to peace. Any other course is Russian world control or war.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3203) relative to maximum rents on housing accommodations; to repeal certain provisions of Public Law 388, Seventy-ninth Congress, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOLCOTT, Mr. GAMBLE, Mr. KUNKEL, Mr. TALLE, Mr. SPENCE, Mr. BROWN of Georgia, and Mr. PATMAN were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also anounced that the Speaker had affixed his signature to the enrolled bill (S. 135) to legalize the admission into the United States of Frank Schindler, and it was signed by the President pro tempore.

TREATY OF PEACE WITH ITALY

The Senate, as in Committee of the Whole, resumed the consideration of Executive F (80th Cong., 1st sess.), the treaty of peace with Italy, signed at Paris on February 10, 1947.

Mr. VANDENBERG. Mr. President, the following message was received 3 months ago from the Italian Constituent Assembly under date of March 2, 1947. It was presented to the Senate Foreign Relations Committee at the time. It does not appear to be in the printed committee record. It expressly asserts the opposition of the Constituent Assembly of Italy to the terms of the pending treaty. It was given to the press when originally received. I ask that the message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

By a solemn deliberation, the Italian Constituent Assembly, elected by the vote of the Italian Nation restored to liberty and democracy by the heroism of the Allied peoples and by the sacrifices of her own sons, has entrusted to me the mandate to address an appeal to the representatives of the American people.

The Italian people who were compelled to war against their will, have given to the victory against fascism a contribution in men and belief the extent of which is openly and unanimously recognized. They claim today the right to be enabled—in the framework of a just peace—to repair their ruins, reconstruct their lives, and cooperate to world progress.

The Italian people ask that they may not be prevented by a treaty—some clauses of which are harsh beyond justice—to work out such rebirth which would be impossible if their dignity as a sovereign state and their national integrity were not respected.

They ask therefore that arbitrary territorial mutilations, humiliations to their army, aviation, and navy—which proved heroic in the struggle for the common victory—and unbearable economic and financial burdens, be avoided.

The ancient blood ties, the manifestations of sympathy always shown toward Italy and those given lately to the Italian Prime Minister make the Italian Constituent Assembly feel certain that the American people, champions of justice and freedom among nations, who entered the war for the triumph of these principles, will heed its appeal and stand at Italy's side so that she may, within the framework of the United Nations and by means of peaceful agreements among the countries concerned, succeed in obtaining the revision of the peace terms.

TERRACINI,
President of the Constituent Assembly.

Mr. BARKLEY. Mr. President, I wish to address myself briefly to the motion offered by the Senator from Arkansas [Mr. FULBRIGHT] to postpone further consideration of the pending treaties until next January; and also, while opposing that motion, I wish to express my views in regard to the pending treaties, as well.

Mr. President, I would not deign to attempt to add anything to the very able speech delivered yesterday by the chairman of the Foreign Relations Committee [Mr. VANDENBERG], and his analysis of the situation surrounding the consideration of these treaties. It is a hard matter to enter into a treaty between two nations, where controversies have arisen and may become chronic; but it is infinitely more difficult to negotiate and to formulate treaties among 21 nations or among all the nations of the world. I recall, as a young man, that at the end of the Russo-Japanese War the peace conference met in Portsmouth, N. H., upon the invitation of President Theodore Roosevelt. That was a conference between two nations, Russia and Japan. The negotiation of that treaty, with respect to which it was a common expression at the time that Japan won the war, while Russia won the peace, required many weeks, if not months. At the end of our war with Spain, weeks upon weeks were required to negotiate a treaty with the Spanish Government. But the problems which faced those conferences were infinitesimal by comparison with the problems which face all the nations at the end of this great war.

At the end of World War I, although there were no more nations, numerically, involved in the Peace Conference at Versailles than were involved in the Peace Conference at Paris and all the negotiations preliminary and incident thereto, nevertheless the negotiations at Versailles required the constant attendance of the representatives of the various governments involved, from December 1918 to the middle of the summer of 1919.

So, Mr. President, it is a difficult thing, with all the cross currents of opinion and desire and ambition, for 21 nations to get together and try to adjust the issues growing out of a great war in which all of them have been engaged on either one side or the other.

The three chief nations involved in the recent war to defend democracy against Hitler and all that he stood for—the United States, Great Britain, and Russia—agreed long before the war was terminated that none of them would enter into a separate treaty with any of the Axis nations. That obligation is as binding now as it was at the time when it was made. There has been no circumstance or change or condition which either literally or morally would justify our engaging in a separate negotiation with Italy, as has been suggested by some of those who oppose the ratification of the pending treaty, or with Rumania or with Bulgaria or with Hungary. So if we have any regard for our plighted word as a nation in the midst of war, we cannot now undertake to negotiate separate treaties with the nations involved against us in the great war out of which in a sense we have emerged, but which in many respects is still in existence.

So, Mr. President, in reply to those who urge that we reject this treaty, and then negotiate another one with Italy or with any of the other countries involved, I say that it would be a direct violation of our word, of our agreement, in the midst of war that neither we nor any of our allies would enter into a separate treaty with Germany or Italy or any other Axis power, Italy at that time being associated with Germany in the war against us.

Mr. President, the history of these negotiations convinces me that not only is this treaty the best one that could have been obtained under the circumstances, but that no other treaty could be obtained in the future, under the conditions which then would prevail, which would be so favorable as the one we are now considering. After the agreement was made by these great powers not to enter into separate treaties, and after we had invaded Italy, Italy surrendered, and became in a sense an associate of the Allied Powers against Germany. I am convinced, and have been all along, that the Italian people really never desired to engage in war against the Allied Nations. I have read an account of a visitor in Milan, in the very midst of the war, finding all over that great city signs written on the sides of buildings—"Vive la France."

So, when the time came for negotiations, when it became apparent that negotiations must be entered into in the near future, representatives of Russia, the United Kingdom, and the United States met in Potsdam. They agreed to set up a Council of Foreign Ministers which should enter into the preliminary negotiations respecting treaties with the satellite nations first, before negotiations for treaties with Germany and Japan, our chief enemies, were begun.

That agreement was made in July 1945, nearly two years ago, and pursuant to the agreement the Council of Foreign Ministers was created.

Following that, in September, the Council of Foreign Ministers met; they met again in December, and met from time to time thereafter, undertaking to work out the details of a preliminary treaty, to fashion in a way the groundwork of peace in all the nations outside Germany and Japan, and especially the outside nations in Europe. When I say "outside," I mean nations independent of Germany and Austria, the latter having been included as a part of Germany by the invasion of Hitler. The Council of Foreign Ministers and the governments which they represented believed that before a treaty could be made with Germany and with Austria the groundwork of adjustment and settlement in the rest of Europe should be undertaken, that the underbrush should be cleared out of forests before an attempt could be made to negotiate treaties with Germany and Austria.

The chairman of the Committee on Foreign Relations, the Senator from Michigan [Mr. VANDENBERG], the distinguished President pro tempore of the Senate, is more familiar with all that than I am, and it is unnecessary to reiterate it. But I want the Senate to keep in mind the series of steps which were taken in the beginning, and all through the negotiations, which resulted in the pending treaty being brought to our doors for action.

First the Council of Foreign Ministers was set up, and they met, in pursuance of their organization, to begin to negotiate the treaties. Up to that time the Council was made up of the Foreign Ministers of the United States, Great Britain, Russia, and France.

When the negotiations had proceeded to a certain stage our Secretary of State, former Senator Byrnes, and our delegation, consisting in part of the Senator from Michigan [Mr. VANDENBERG], and the Senator from Texas [Mr. CONNALLY], insisted that, inasmuch as all of Europe was involved in the settlement between the Allied nations and Italy, Rumania, Bulgaria, Hungary, and Finland—although we were not at war with Finland, and were not a party to the treaty with Finland—that inasmuch as these nations were interested and involved in the peace settlement, all of them should be called together for a general peace conference, not a world peace conference, but a general peace conference involving the welfare of Europe.

There was opposition to that suggestion for a long time, but finally it was agreed to. As a consequence of that agreement the 21 nations which signed the pending treaty met in conference. They considered every step taken by the Council of Foreign Ministers. They weighed every provision in the tentative arrangements which had been made. They took into consideration all the interest expressed by every nation involved, and out of their deliberations they made 53 recommendations, in which they united, to the Council of Foreign Ministers, who were to meet again to work out finally the terms of the treaty.

Of the 53 recommendations made by the 21 nations in this general peace conference, 47 were adopted by the Council of Foreign Ministers when they met later, and the other 5 recommendations, as I now recall, were considered and modified, so that it can be said that, on the whole, the recommendations of the 21 nations which met in Paris at the insistence of the delegation for the United States were accepted and adopted by the Council of Foreign Ministers, and are

incorporated in the treaty which is now before us for consideration.

In the conference of 21 nations Italy was given every effort to make her claims known. Bulgaria was heard, Rumania was heard, Hungary was heard, Finland was heard, and out of that general peace conference came the treaty which we are now asked to postpone until next January, and which we are asked to reject, notwithstanding the fact that it was signed by all the nations involved, including the nations most affected by the terms of the four treaties to be voted on tomorrow.

Mr. President, it has been well said that no treaty ever satisfied every country that may have been a party to it, any more than the verdict of any jury that ever tried a case in court satisfied both sides. It is impossible to obtain unanimity among a number of nations with respect to the claims of any one nation. There had to be compromises, there had to be yieldings, there had to be adjustments. No nation had its own way among the 21. No nation could have its own way among the 21. We ourselves could not have our own way, Russia could not, Bulgaria could not, Italy could not, Great Britain could not, France could not. But it is my considered judgment, Mr. President, that if we reject these treaties, there will never be another opportunity for the same identical nations to meet together to write another peace treaty that will deal as fairly with the nations involved as the one which we are now considering; and it might well be that no such conference would again be held. It was upon our initiation and our demand, Mr. President, that the 21 nations met. All the 21 nations signed the treaty; and if, after having insisted upon the 21 nations meeting with ourselves, who made the demand, we reject the very treaty that came out of that conference, what attention would the other nations pay to us again if we invited them to hold another conference to write another treaty dealing with the same countries? If, Mr. President, after having initiated the demand, which was unanimously made by our delegation, and, after it had been agreed to, upon our initiation and our demand, we should reject this treaty and then undertake to call another conference for the same purpose, the nations of the world would laugh in our faces. They would have a right to laugh in our faces. They would have a right to say, "Of what use is it for the United States to invite another conference to write another treaty? You have rejected the one that we wrote in response to your invitation."

So, Mr. President, it seems to me incredible that the Senate should reject these treaties. I believe it is not only in the interest of the peace in Europe that they should be ratified, but it is in the interest of the peace of the world that they should be ratified—with all their inequities, whatever they may be, with whatever dissatisfaction there may be in regard to the terms of the treaties with respect to any of the countries involved.

The Senator from Michigan yesterday very forcefully referred to the fact that when the representatives of the Allied Nations met, there were demands made upon Italy by the various nations for reparations in the sum, I believe, of $20,000,000,000. The treaty carries reparations to all the nations, from Italy, of $360,000,000. If we should reject this treaty and the matter should go again before a conference, in view of the uncertainty, in view of our own vacillation, in view of the lack of dependence upon us to go through with our own contract, I should like to ask our friends who are requesting us on behalf of Italy to reject this treaty, What assurance would there be that the demand for reparations could again be shaved down to $360,000,000?

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator.

Mr. JOHNSON of Colorado. I have not made up my mind as yet as to how I am going to vote on the final question of the ratification or rejection of the treaty. I have not made up my mind as yet on the Fulbright motion to postpone action. The point that is bothering me is the talk that is heard about the likelihood of a separate treaty with Germany and Austria. If we are to make a separate treaty—and the chairman of the Foreign Relations Committee yesterday did not rule out that possibility—if we are to make a separate treaty, then why should we not make a separate treaty with Italy? The advocates of the Italian treaty say very frankly that the terms do not entirely meet with their approval. Of course, that is understandable, but if we are to make separate treaties with anyone, why should we not make a separate treaty with Italy, and why should we not postpone action until we find out whether or not it is going to be necessary to make the separate treaties which have been proposed, and which the chairman of the Foreign Relations Committee yesterday, as I say, did not rule on as a possibility?

Mr. BARKLEY. I might say to my friend from Colorado, that I do not think the time has arrived when anybody can say that it will ever be necessary to make separate treaties with Germany or Japan.

Mr. JOHNSON of Colorado. No; but so long as there is such a possibility——

Mr. BARKLEY. Oh, well, I might say in that connection, one can always presuppose a possibility and imagine a situation that may never develop; but the foreign ministers are to meet again in September to try to write a treaty with Austria and with Germany, and they are to meet again in November, in order to do that. So that while there has been no final progress made in negotiating a treaty with Germany and with Austria, and we have not even started negotiations on a treaty with Japan, yet the fact that the foreign ministers are still meeting, that they cleared away a lot of underbrush in the conference in Moscow, although failing to reach a final agreement—the fact that they are meeting in September and again in November, and, no doubt, will meet again in an effort to bring about a treaty with Germany and Austria that would be agreeable to all the nations that will participate in drafting it, it seems to me premature, so far as I am personally concerned, to talk seriously about having to negotiate a separate treaty with Germany. Of course, it is possible—and I think the chairman of the committee had it in mind—that if the time should come when a reasonable and a just treaty, based upon the principles for which we stand, could not ever be negotiated with Russia, we might be forced, not as a nation by ourselves but in association with other Allied nations, to undertake the negotiation of a treaty with Germany, and maybe with Japan; but that time has not yet been reached, and certainly it will not be facilitated in any way by postponing the consideration of the Italian treaty, in my humble judgment.

Mr. JOHNSON of Colorado. No; but the point I am trying to make is that should that situation arise, and we should make a separate treaty with Germany and with Austria, then I contend we ought to make the same kind of treaty with Italy at that very same moment.

Mr. BARKLEY. Even if we were ever forced to the point where we had to make a separate treaty with each one of these countries, assuming that we could not ever get together on all of them, it would not necessarily follow that it would be the same treaty with each country. They must be dealt with according to the conditions.

Mr. JOHNSON of Colorado. I understand; but I am trying to arrive at a solution of my own problem.

Mr. BARKLEY. I appreciate that.

Mr. JOHNSON of Colorado. And I am trying to have the Senator from Kentucky help me.

Mr. BARKLEY. I hope I may.

Mr. JOHNSON of Colorado. But, as I feel now, I should like to vote for the Italian treaty, if I were convinced we were not going to have a separate treaty with Germany and Austria.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Kentucky yield to the senior Senator from Michigan?

Mr. BARKLEY. I shall yield in a moment. I certainly am not convinced, by anything that has been said by anybody, that we cannot ultimately arrive at a general agreement with Russia and all the other nations involved, with respect to Germany and Austria; and I am not willing yet to forego that possibility. I am not willing to say that by postponing consideration of the Italian treaty, or by rejecting it, we make it any easier, but, on the contrary, I think we make it more difficult to arrive at a general agreement with respect to Germany and Austria. That is my own feeling about it. I may not be able to convince the Senator from Colorado on that matter, and I appreciate the sincerity of his inquiry in regard to it.

I now yield to the Senator from Michigan.

Mr. VANDENBERG. I should like to answer the able Senator from Colorado with respect to the very great difference between the situations which would be involved in Germany and Austria, on the one hand, and in Italy and other satellite

countries, on the other; and I understand that is the basis of his question.

Mr. JOHNSON of Colorado. That is correct.

Mr. VANDENBERG. The question is, Why, if you do it in one instance, could you not do it in the other?

Mr. JOHNSON of Colorado. Yes. Why could we not follow a consistent policy, and why would we not be in an advantageous position, so far as Italy is concerned? I realize, as I know the Senator does, that whenever we commence to make separate peace treaties we are lining up folks in our sphere of influence. That is what it amounts to.

Mr. VANDENBERG. If the Senator from Kentucky will permit me——

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I should like to show the Senator very specifically why there is a profound difference, which could not possibly be reconciled. In the first place, the Senator from Kentucky is totally correct, in that the discussion of separate treaties with Austria and Germany is still an entirely remote contingency, which is contemplated only as the last and unavoidable resort, and, as the Senator from Kentucky indicated, is not in present contemplation. But if a separate peace were made in the German and Austrian situation in respect to any plans that have even been remotely discussed, I call the attention of the Senator from Colorado to the fact that it would involve the American zone, the French zone, and the British zone, in all probability, in Germany as an entity by itself; areas in which we assume that like-minded people would be in control of the entire situation, and there would be no fundamental clash.

Now I call the Senator's attention to what a totally different situation is involved if the Allied Nations try to make separate peace treaties with Italy. There would be undefined boundaries that must be liquidated; there would be the undefined status of Trieste which must be liquidated. How can we write a separate treaty with Italy and say, "The boundary is here," if Russia then says, "No, the boundary is here"? How can we write a separate treaty of peace with Italy and say, "Trieste shall be thus and so," if Russia says, "No, Trieste must be thus and so"? If we are going to write a separate treaty of peace in respect to those areas where the fundamental status of things has not been established and can only be established in one of two ways, either by multilateral agreement or by force, then it is necessary to choose between the two. But, I submit to the Senator, that is an utterly different contemplation from the one involved in the consolidation of the American, the British and the French zones in Germany and Austria.

Mr. JOHNSON of Colorado. If the Senator from Kentucky will permit——

Mr. BARKLEY. I yield.

Mr. JOHNSON of Colorado. I should like to know how that differs from the Austrian and German situations? Are the boundaries all prescribed?

Mr. VANDENBERG. Yes.

Mr. JOHNSON of Colorado. Are all these questions determined?

Mr. VANDENBERG. These zones are all very definitely bounded by mutual consent.

Mr. JOHNSON of Colorado. Oh, the zones.

Mr. VANDENBERG. There is no mutual consent, of course, to a separation of Germany for the purpose of a divided future, but the point I am making to the Senator is that at that point these basic physical facts are not in controversy, and it is purely a metaphysical question regarding what we do within these fixed limitations, whereas when we come to Italy, when we come to Yugoslavia, we enter a totally unliquidated situation which can only be settled on a fundamental question, for instance, like a boundary line, in one of two ways, either by multilateral agreement, or by sending armies in and fighting it out.

Mr. BARKLEY. In other words, the agreement must be made among all the nations where the boundaries are involved.

Mr. VANDENBERG. Certainly.

Mr. BARKLEY. And those countries have all agreed to the boundaries.

Mr. VANDENBERG. Yes.

Mr. BARKLEY. Or we would have to enter into a separate treaty with Italy in which we would say, "You shall have Trieste, or you shall have these other strips, just between the two of us," and if Russia or Yugoslavia does not agree to that, and they are not parties to the treaty, then they would either have to yield to an outside treaty as to which they were not parties, or there would be fighting on the border to determine who should be in control.

Mr. VANDENBERG. Yes; certainly.

Mr. BARKLEY. But here we have a treaty adjusting the boundaries between Italy and Yugoslavia, and between Italy and France in which there is involved a little strip of territory on the border of France and Italy which has been a bone of contention for a long time, and restoring the Dodecanese Islands to Greece. These adjustments have been agreed upon; and while the settlement with respect to Trieste does not satisfy everybody, it was the only one that could have been made in order to get a treaty at all. We would not agree that Trieste should go to Yugoslavia, Russia would not agree that it should go to Italy, and therefore finally the French delegation, I believe, made the proposal that it be internationalized, and that it be governed as a free city under the jurisdiction of the United Nations.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I may suggest to the Senator that while the French nominally offered the resolution respecting Trieste, the solution respecting Trieste originated in the American delegation.

Mr. BARKLEY. I appreciate that fact. The Senator from Texas, of course, knows what happened in the secret councils there, but the motion was made——

Mr. CONNALLY. By France.

Mr. BARKLEY. By France, and in a sense France received credit for it so far as publicity was concerned, and no one wants to take it away from her.

Mr. CONNALLY. Not at all.

Mr. BARKLEY. No one wants to take away from her the credit for moving that Trieste be internationalized. Certainly the fate of Trieste could not be determined by Italy and the United States alone, or by Russia and Italy alone. It could not be determined without consulting Yugoslavia. The only way Yugoslavia can have a voice is to sign a treaty, which they have done, and that is now before us. So I do not see how we can enter into a separate treaty with Italy, even if we could do it morally, without violating our obligations to the other nations. I do not see how we could enter into a separate treaty with Italy which would in any way involve territory claimed by Yugoslavia and Greece.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. JOHNSON of Colorado. I do not see how it differs in that respect from the problem of a separate peace with Austria. The point I am trying to make is that if we are going to indulge in separate peace treaties with other nations we ought to reserve our peace treaty with Italy until such time as those treaties are determined. Of course, if the Senator can give assurances that what we have spoken of is merely a rumor, that it does not go to the realm of a possibility, that is a different matter entirely.

Mr. BARKLEY. Of course, frankness compels me to say that I cannot give any assurance along that line.

Mr. JOHNSON of Colorado. I do not ask the Senator to do so.

Mr. BARKLEY. The talk of a separate peace has arisen because of widespread impatience with Russia and her method of negotiation, because she has obstructed here and there, objected here and there, and has exercised the veto here and there. Growing out of that impatience a great many people are saying, and have said, "Very well, if Russia does not want to enter in and agree to a reasonable treaty we will all get together and negotiate one without her." I do not know whether that will ever occur. Personally I hope and I believe that it will be possible ultimately to enter into a treaty which all nations will be able to sign. The problem now between Austria and Russia and all the Allied nations is no more difficult than appeared at the beginning of the negotiations with respect to the treaty we now have before the Senate. I ask the Senator from Michigan and the Senator from Texas if that is an accurate statement.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I think it is a totally accurate statement.

I should like to make one more comment to the Senator from Colorado, because I know he is honestly seeking light on the question he submitted. I think we should not confuse ourselves by using the phrase "separate peace" in connection with the present discussion regarding Austria and Germany. I think what is being considered as an alternative program at the moment, so far as Austria and Germany are concerned, should not be described as a separate peace at all.

It should be described as the successful culmination of our plan to unify the French and the British and the American zones as one reciprocal unit of economic life, as required by the Potsdam Agreement. That is the unification which is discussed at the moment as a separate action, rather than what the Senator might broadly have in mind when he uses the phrase "separate peace," and as I indicated before, when the Senator was good enough to yield to me, I think the phrase "separate peace" in respect to Germany and Austria is very intangible, and is in no sense involved in any considerations which are now being given any attention whatever. I think it is the separate unification which undoubtedly the Senator has in mind, and, of course, he would recognize a total difference between that and a separate peace with Italy.

Mr. BARKLEY. I think that the separate unification in Germany has already progressed to the extent that the British and American zones have in a measure, if not totally, been unified for economic purposes. I do not think that as yet the French zone has quite come into that unification.

Mr. VANDENBERG. That is correct.

Mr. BARKLEY. So the sort of unification, the sort of action which the Senator from Michigan has discussed and described, and which is in contemplation, has already progressed to a certain extent between Great Britain and the United States, and we hope between Great Britain, the United States, and France. We naturally hope that Russia will also enter the sphere of that four-cornered unification, which was the agreement at Potsdam, as I recall it.

Mr. VANDENBERG. The Senator is correct.

Mr. BARKLEY. Although the Russians have not yet done so, it is not beyond hope that they will.

Mr. VANDENBERG. The Senator is entirely correct. The invitation is always open.

Mr. BARKLEY. I wish to call attention to the testimony of former Secretary Byrnes and the present Secretary of State, General Marshall, with respect to the effect of a postponement of these treaties. Before doing so, I desire to refer to the reasons for ratification stated by the committee in its report. They seem to me to be very cogent and entitled to earnest consideration. The reasons given by the committee for the ratification of these treaties are as follows:

1. The treaties appear to be the best that could be secured under the circumstances.

That is, under the circumstances which existed in connection with these negotiations. I do not believe that any of us can have any doubt about that, because if we entertain any doubt about it, in a sense we impugn the efforts of our own delegation, upon whose insistence, as I have already said, and as the Senator from Michigan so eloquently said yesterday, a treaty more favorable to Italy was consummated than could have been possible without the insistence of the delegation from the United States. So I think the treaty is as favorable as could have been obtained under circumstances which are now in the past.

2. There seems to be little reason to believe that better terms could be secured with respect to any of the treaties if attempts were made to reopen negotiations now or at any later date.

That applies to the conditions which may prevail in the future. If the Italian treaty is the best that could have been obtained under the circumstances which existed in 1946, how can any of us indulge the hope that under future conditions a renegotiation would result in a treaty any more favorable than that which we have before us today?

3. The uncertainty that would come from our refusal to ratify would only add to the many difficulties and the unsettled conditions already existing in Europe.

Can anyone doubt that? How could our refusal to ratify these treaties, our repudiation of the President of the United States, the Secretary of State, and the American delegation, possibly contribute to any settlement of the affairs of Europe, or the negotiation of better treaties?

4. If the treaties are suspended or rejected, it would seriously endanger the prospects for completing a satisfactory treaty with Austria and Germany.

Secretary Marshall stated, in effect, that if we were to reject these treaties now, after this long and laborious effort to write them, after they have been signed by all the nations involved, it would well-nigh be futile to have another meeting of the Big Four in September or November to try to write a treaty for Austria and Germany. That is not an exaggerated statement. That statement is supported by the testimony of former Secretary Byrnes, as a result of his experiences in the long negotiations which took place beginning in September 1945 and terminating in December 1946, resulting in these treaties being submitted to us on the 10th of February.

When the Conference meets again I can very well imagine the scorn with which Mr. Molotov will point to the American delegation if the treaties are not ratified. I can well imagine the scorn with which he will say, "What use is it to write a treaty which is signed by all the nations involved, and what hope is there that the Senate of the United States will approve it?" What hope would there be that the Senate would approve such a treaty if, in spite of the recommendation of the President and the Secretary of State, in spite of our nonpartisan, able, patriotic, and unselfish delegation which helped to write these treaties, we should reject them? I concede, as the Senator from Michigan did yesterday, that the Senate has a perfect right to reject them. Every Senator has a perfect right to vote against ratification.

Reading further from the reasons stated in the report of the committee:

5. Since the United States took the leadership in framing the treaties other nations would have reason to question our integrity and to criticize our unwillingness to go through with our commitments if we failed to ratify.

Can anyone doubt the truthfulness of that statement?

6. Bilateral negotiations between the United States and the ex-satellite states would fail to bring about the results that either the United States or these other nations desire.

In view of the history of these negotiations, there can be no question whatever about that.

7. The many advantages that would come from putting an end to the state of war that exists, such as the removal of occupation troops, the termination of the armistice regimes in the ex-satellite states, the resumption of normal peacetime relations, and the later admission of these states into the United Nations, should far outweigh any advantages that might result from our failure to ratify.

These nations are not eligible to membership in the United Nations until the treaties have been ratified. Our armies are in their territory. Russian and British Armies are in their territory. Ninety days after these treaties go into effect those armies are to be withdrawn. That includes the Russian Army in Bulgaria, except to the extent necessary to keep up the line of communications between her army in Poland and her army in Russia. Can anyone doubt that the admission of these nations into the United Nations, where they would be accepted as honorable members to take their share of the responsibility for world peace, would be a very composing, a very settling, and a very advantageous situation in Europe? These nations are in the very heart of Europe. They touch the border of the Mediterranean Sea. Can anyone doubt that if these nations, upon ratification of these treaties and with withdrawal of alien soldiers from other countries, were to enter the United Nations organization, such action would have a salutary effect upon the peace of Europe?

The last reason given by the committee is as follows:

Approval of the treaties would constitute an important step forward in the development of the total peace settlement which is so necessary if a regime of law, order, and stability is to prevail in the world.

During the month of April I happened to be in Egypt, Turkey, Greece, and Italy. One of the questions which confronted me everywhere was, Will the United States ratify these treaties? If not, what will be the result of their refusal?

Even nations which are not parties to the treaties, which are not directly affected by their terms, but are directly and indirectly affected by the conditions of peace which exist in the Mediterranean and throughout southern Europe, are interested and concerned about our action with respect to these treaties. I would not assume that in a brief visit to Italy I could obtain a very comprehensive picture of the feeling of the Italian people, but from what observations I was able to make and the inquiries I was able to make, I discovered very definitely that although the Italian people would have preferred a more favorable treaty, they prefer this treaty to chaos and no treaty at all.

We talk about communism. There are now two and a quarter million Communists in Italy. Notwithstanding that fact, the new Italian Government has organized a cabinet without a Communist in it.

But suppose we reject this treaty; suppose that, as a result, chaos and disorder ensue in Italy. That is the very atmosphere in which communism moves in; it takes advantage of any disorder, any want, any despair that may exist among the people. I understand that in Greece there is a total of only approximately 15 percent of Communists among the Greek people. But suppose we give evidence of our lack of responsibility by a rejection of the treaties. In spite of our assistance to Greece, if we reject these treaties, and uncertainty, chaos, and fear shall prevail in the Mediterranean Basin, how much stronger would the Communists become in Greece if they moved in as the result of our unwillingness to accept a responsible treaty negotiated and signed by the Government of the United States?

While we are talking about the communistic situation and its threat, we might as well be frank. We all know that our conception of communism is that it is based on hunger, want, distrust, the despair of the people that their economic situation may not be maintained by the government in power.

Two or three weeks ago Premier Ramadier of France called for a vote of confidence. He received a vote of more than 2 to 1; whereupon he reorganized his cabinet without any Communists, notwithstanding the fact that he had had 5 of them prior to the vote of confidence. In my judgment, Mr. Ramadier is stronger today than he was before he took that action.

Mr. de Gasperi has reorganized the Italian Cabinet without a Communist. How long would that Government stand if we failed to ratify the treaty and chaos should come to Italy? If they are compelled indefinitely to bear the burden of maintaining foreign troops upon their soil, and if the Communists by any chance should gain control of the Italian Government, how long are we assured that the French would be free from the menace and the danger? The situation in Europe might be multiplied by the number of European nations, and the same condition would prevail.

The things that Europe needs to stabilize her economy and her democracy are peace and an understanding of what they can rely upon in the future. What Europe needs beyond all other things are order and confidence, not despair, lack of confidence, and chaos. The rejection of these treaties will bring despair; it will bring uncertainty; it will multiply chaos; it will multiply the dangers that beset Europe and the entire world from the menace of which we hear so much, and which I in no degree discount, because I think it is a menace.

So, Mr. President, it seems to me that we cannot repudiate these treaties without repudiating the Government of the United States. We cannot repudiate these treaties without repudiating the State Department, the Secretary of State now in office, and his able and distinguished predecessor, former Senator Byrnes. We cannot repudiate these treaties without repudiating our own delegation at the peace conference, including the able Senator from Michigan [Mr. VANDENBERG] and the able Senator from Texas [Mr. CONNALLY]. I rejoice at the outstanding service rendered by both those Senators in a spirit of nonpartisanship, in a spirit of cooperation, and the service rendered by their associates, including Mr. John Foster Dulles, who was an adviser there and later at Moscow.

I myself appreciate greatly the fact that the President sent these two colleagues of ours to the conference in order that they might be in a position to give the Senate the value of their experience, their observation, and their intimate knowledge of what went on in the writing of these treaties. To reject these treaties would be a repudiation not only of our President, our State Department, and our delegation, including our own Senators, but it would be a repudiation of our own allies who joined with us in undertaking to make these treaties. Such a repudiation, Mr. President, would create an impression that I do not want the American Government to give to the nations of the world.

Therefore, I shall vote with great satisfaction, I will say, for these treaties. I shall vote for them because I think they are in the interest of peace and economic stability, in the interest of the fundamental democracy for which our Nation has always stood. I shall vote for them because I believe that, as was testified to by the Senator from Michigan, including the statement of a distinguished Italian journalist, the Italian people want this treaty and the Italian Government wants it; and I think they are better able to speak for the people of Italy than anyone here or anywhere else in the United States, without regard to national origin.

Mr. President, feeling that way about it, I am opposed, of course, to the motion to postpone action. To postpone action on these treaties would give evidence of our vacillation, of our own lack of conviction, of our own lack of determination. It would indicate that we would be willing to suspend these treaties until January, while the world moved in chaos, uncertainty, distrust, and doubt. Are we willing to do that? If we postpone action on these treaties until January, in my judgment there will be no progress made in September, November, or December in the writing of a German treaty or an Austrian treaty.

So I am opposed to the motion. I hope it will be defeated. I hope that when we vote tomorrow at 2 o'clock all these treaties, regardless of any circumstances extraneous or internal, will be ratified by such an overwhelming majority of more than two-thirds that we can give hope to the world that we will ratify a treaty made under circumstances as favorable as can possibly be hoped for, and that we stand ready to honor our obligations and our commitments to our allies and to all the world in the treaty-making which lies before us, in the hope that ultimately all the nations of the earth may become members of the United Nations and that it may be possible to use that organization as the instrument of settlement and adjustment all over the world, so that the fear of another war may be dissipated and proved groundless.

EXTENSION OF CIVIL-SERVICE-RETIREMENT PRIVILEGES

Mr. JOHNSTON of South Carolina. Mr. President, as I listened the other day to the remarks of the junior Senator from Delaware [Mr. WILLIAMS] on the pending civil-service retirement bill, Senate bill 637, I heard a number of statements made at that time which should be answered in the name of accuracy, and particularly because of the fact that the Senator from Delaware appeared to be attacking the motives of the Committee on Civil Service, of which I have the privilege of being a member.

I want to be numbered among those who believe that old age is deserving of a better reward than the fiery furnace of Nazi internment camps in order to save food and the expense of feeding such persons. Nor do I believe in returning to the good old days before this Nation had a social-security system which would enable us to remove from the active rolls of employment those persons who might still be semi-independent economically through a return upon the investment from their wages while still in active service. The Eskimo has been described as having a direct approach in ridding himself of aged relatives by casting them out into the bleak northland to shift for themselves or to die. We, with our higher civilization, have found more decent methods of dealing with such problems.

In 1920 the Congress of the United States had come to realize that there were many indigent persons on the Government's civilian employment rolls, some of whom were well past the age of 90, who were far more expensive to maintain in the so-called active status than if they were given, in common decency, some form of annuity.

So the Congress passed the original Civil Service Retirement Act. It was necessary at that time to recognize the services of persons who would be eligible under that act, whose service had been performed prior to enactment of the Retirement Act. Thus, full credit for service was given to those who then automatically become eligible. They were retired as a straight business proposition, and perhaps in some measure as a humane and economic step.

In 1920, no statistics were available to show the prospective cost of a retirement system. Until sufficient time had elapsed to enable the experts to give fair estimates of such cost, an arbitrary rate of 2.5 percent was arrived at by the Congress as the rate for the premium to be deducted from the salaries of all persons covered by the act.

At the time when Congress passed the act, many persons believed the act would cost the Government at least as much as it would cost the employees, and that the cost to the Government would be immediate in order to get the system established. Thus, the Government, at least impliedly, assumed the responsibility for the difference between the 2.5 percent and the total actual cost of the system.

Mr. President, I am giving these basic statements for the information of those who have become Members of the Senate in recent years and who have not had an opportunity to learn the purposes and the origin of the Civil Service Retirement Act.

It was not until 1926 that Congress reduced the basis of liability of the Government to the fund from approximately ⅜ to ⅛ of the cost, by increasing the amount of contributions or premiums deducted from salaries from 2.5 percent to 3.5 percent. There, again, there was an implied, assumed responsibility on the part of the Government for the difference between the 3.5 percent and the actual cost.

As early as 1929, the Bureau of Labor Statistics of the Department of Labor in Bulletin No. 477, entitled "Public Service Retirement System," made the following statement:

> Whether the Government will follow this tendency to increase the share of the employees and eventually to relieve itself of all liability by placing the fund on a self-supporting basis or whether it will contribute something as its share to the benefit it receives under the act is for the future action of Congress to decide.

The Congress did not quibble over whether all the beneficiaries or even a large portion of them or even a fraction were Democratic or Republican. In the eyes of the Congress they were human beings, fit for better fate than to be sent to the soap factory to render what little fat may have remained in their bodies.

In 1920, those who were automatically eligible for retirement received what actually constituted a pension, since it was not contributory and the Government charged the overhead to good administration and actual cost of operations. Since that time, the system has been known rightfully as the retirement system. It is contributory both on the part of the employee and the Government; and while we still have actuaries periodically making reports on the condition of the retirement fund and what is actuarily sound and what is not, it is evident that even from the inception of the act itself, in 1920, there was no intention to have an actuarial system.

As the years passed and as the Government became more in arrears in contributing its part to the fund, the deductions from employees' salaries have become such that to date all benefits have not equaled the amount contributed to the fund by the employees themselves.

It has been on a trial-and-error basis that the deduction rate has been adjusted from the original 1920 act, as one benefit or another has been added and as the cost of meeting such benefits has been apparent. Thus it was that there was an increase in payroll deductions from the original 2.5 percent to 3.5 percent, in 1926. At the expiration of the next 16 years, in 1942, Congress increased the deduction rate on the part of the employees to the present 5 percent.

The subject of widows' and dependents' benefits for Government employees is nothing new. Years before the enactment of the social-security system and the railroad retirement system, there was discussion of the need for making provision for dependents under the civil-service retirement system. It was recognized by students of retirement matters, who summed up their statement in the same Bulletin 477 I have mentioned previously, that "on the whole, the tendency among the newer systems is to include more benefits than are found in the early systems and especially to make provisions for dependents. The return of contributions, commonly with interest, and sometimes with compound interest, is frequent among the newer systems."

Since that time, in 1929 the Congress has placed a restriction upon the return of contributions in the form of refunds by stipulating that only employees who have served less than 5 years may receive such refunds. So we see that the system is both compulsory and restrictive. With rare exceptions, noted in Executive orders, all persons not holding temporary jobs are automatically under the retirement system. Although these Government employees pay 5 percent, and although it is now proposed that they shall pay 6 percent, yet they receive fewer benefits than do persons who are under the social-security system, and who pay only 1 percent.

It is worthy of comment at this point, Mr. President, that whenever the Congress hears a discussion of the Foreign Service retirement system, which has many features not now granted to persons under the civil-service retirement system, we find no resistance to effecting reforms. The benefits in the Foreign Service can be listed as:

First. Widows' benefits with respect to an employee dying in service.

Second. Retirement of an annuitant at age 50, after 20 years of service.

Third. A more generous retirement formula.

Fourth. A more liberal retirement for disability.

In the case of the Foreign Service retirement system, though officers and employees pay only 5 percent, I have not heard the Senator from Delaware complain about that. I can only assume he finds New Dealers only in other branches which are under the Civil Service Retirement Act.

The Senate has passed without a dissenting vote S. 715, to liberalize retirement for special agents in the Federal Bureau of Investigation. The House committee has followed suit, and has reported the bill unanimously. Certain increased costs are involved. Yet I did not hear the junior Senator from Delaware complain about that bill, which provides no increase in employee contribution.

The Congress has approved these provisions without quibbling. The Congress has been generous with military pensions and has not quibbled. The Congress has set up the machinery for features under the Railroad Retirement System and under the Social Security System which are not now being enjoyed by the Federal employee himself. Yet, when we bring up the general subject of civil-service retirement, and attempt to do something to liberalize the sections of the Retirement Act, we are promptly confronted by the opposition of some who apparently are poorly informed as to the origin, the purpose, the development, and the general over-all growth of the civil-service retirement system.

Mr. President, I now start my references to the statements made by the junior Senator from Delaware, and proceed to discuss what he had to say:

First. The Senator says the civil-service retirement fund "is not and was never intended to be classified as a welfare fund." Such vague language is not easily understood. But I assume the Senator is saying it is necessary to assume that old-age and survivorship provisions have no relation to welfare—apparently the welfare of the individual or the welfare of the Government's business.

Mr. WILLIAMS. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Delaware.

Mr. WILLIAMS. Am I correct in understanding the Senator from South Carolina to say that he interprets the civil-service retirement fund as a welfare fund?

Mr. JOHNSTON of South Carolina. It is a welfare fund, and also is a fund into which the employees have paid in order that they may have some income to take care of them after they become old.

Mr. WILLIAMS. In the eyes of the Senator, in which field does it act?

Mr. JOHNSTON of South Carolina. I think it acts in both fields.

Mr. WILLIAMS. Then, the Senator thinks it is a welfare fund?

Mr. JOHNSTON of South Carolina. Certainly it is a welfare fund, in that it promotes the welfare of the general public, and keeps them from having to contribute to the support of some aged persons when they become too old to work.

Mr. WILLIAMS. My interpretation of a welfare fund is that it is something given to assist a person in his old age, but when we speak of a civil-service retirement fund, or any other retirement fund, whether it is in the Government or in private industry, we refer to a fund which the employees themselves have built up. It is theirs, the fund is built up by their contributions, and when they retire, in my opinion they are receiving only those benefits which they themselves have built up and paid for. There is a distinct difference between a welfare fund and a retirement fund, in my opinion.

Mr. JOHNSTON of South Carolina. I think it is both an insurance fund and a welfare fund, and I shall explain that.

First. The Senator has said that "the primary purpose of this retirement fund when established by Congress was to act as an insurance fund." He still makes that statement, here in the Senate.

Mr. President, I wonder if any Senator would even try to state the difference between an "insurance fund" and a "welfare fund," since we have been told that the retirement fund was never intended to be called "welfare fund," and at the same time are told that Congress was establishing an "insurance fund." Such confused thinking contributes nothing toward clarification of the purposes of the Civil Service Retirement System.

Second. The Senator says the Civil Service Retirement Fund has been built

up over the "past several years until today it has an evaluation in excess of $2,000,000,000." The Senator's figures are inaccurate by at least one-half billion dollars. The fund actually has $2,500,000,000 in it.

Mr. WILLIAMS. Mr. President, will the Senator yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. Will the Senator from South Carolina tell me which is the greater, $2,500,000,000 or $2,000,000,000?

Mr. JOHNSTON of South Carolina. Two billion five hundred million dollars is the greater, of course, but the fund has been built up because money has not been taken out of it.

Mr. WILLIAMS. I think my statement was that it was in excess of $2,000,000,000.

Mr. JOHNSTON of South Carolina. The Senator's statement was "in excess of $2,000,000,000." That is all right, so far as the statement is concerned, but it is shown that there is in the fund at the present time approximately $2,500,000,000.

Third. The Senator states that the civil-service fund "belongs to the Federal employees and should not be considered as the property of the Federal Government, and as Members of the Congress we have no moral right to pass legislation appropriating any of the accumulated moneys of this trust fund to any other purpose than that for which it was originally established." I am forced to assume the Senator is saying that if we pass Senate bill 637 we would be guilty of misappropriation, that at least we would be exercising some immoral right.

Mr. President, the representatives of employees in the United States Government are fully on record as giving wholehearted support to the idea of establishing widows' and dependents' benefits, even now, at long last. I submit that the Members of Congress are not immoral in trying to add to the benefit of Government employees, while at the same time those employees are paying for such increased benefits. I find nothing immoral or unmoral in any of this.

Fourth. The Senator talks of legislation and Presidential directives which blanketed Government employees into the classified service, and he refers to them as "The New Deal employees who have previously never made any contributions toward the building up of this fund." The same can be said of those in the early 1920's who had paid nothing toward the building up of the fund, even before the days of the New Deal, in the days when one's political faith was not impugned as something abhorrent in the nostrils of good citizens.

Mr. WILLIAMS. Does the Senator from South Carolina dispute the statement I made in reference to that matter?

Mr. JOHNSTON of South Carolina. I dispute the Senator when he says New Deal employees were blanketed in. The civil-service employees are supposed to be employed on their civil-service records.

Mr. WILLIAMS. What classification was given the million employees who were blanketed in?

Mr. JOHNSTON of South Carolina. Government employees, Democrats and Republicans.

Mr. WILLIAMS. There are some Republicans among them, too.

Mr. JOHNSTON of South Carolina. And perhaps some of other party affiliations.

As a matter of fact, none of the so-called New Dealers got anything free. Each was required to pay into the retirement fund an amount equal to the deduction which would have prevailed during the time he was not under the retirement system, if he desired to have such service counted as total Government service for purposes of computing retirement benefits. The junior Senator from Delaware was not in Washington at that time, as was true as to myself and some others, but the facts are the same, even though he was not here to know what the actual transaction really was.

Fifth. The Senator is attacking actions of a majority of the Congress which were taken prior to his tenure in the Senate. He questions the right of Congress to blanket in these additional employees without, at the same time, appropriating to the general retirement fund a sum of money sufficient to take care of the obligations being imposed upon the fund. It is difficult for me to reconcile such views as the Senator has set forth when we realize that in industry many employers established retirement systems, yet required no contributions of employees at all, after they have come under the system, though previously they might not have been under it but actually were employed.

The Senator appears not to realize the Government is already $360,000,000 in arrears in its contributions issued to the fund, if we assume the fair arrangement is that the Government should contribute in proportion to the employee. Still, employees do not grumble. Nor are they fearful that the good faith of the United States is not as solid today as it was in 1920 when the fund was established. A good part of what we do is based on faith; even in the commercial world credit goes far toward instilling confidence. Our main concern is whether the money will be available at the time the obligation is to be met, not whether there shall be large reserves of idle capital stock piled against some imaginary date or emergency.

Sixth. Again the Senator states that in 1942 when the last major provision of the Retirement Act was enacted that the report of the House committee on hearings held in connection with the impending bill was "not an actuarial report but it was accepted by the Members of the Congress and that proof that this—$14,000,000 as the estimated cost—figure was misleading is contained in the Budget report of the General Accounting Office which shows that the Government contributions to the fund in 1941 were $91,559,110, whereas 3 years later, in 1944, this figure had increased to $175,993,037, or an additional cost to the Government of over $80,000,000 more than the 1941 figure."

The comment on this statement, Mr. President, is simply that it is a fact that as of June 30, 1940, 18 months prior to enactment of the January 24, 1942, legislation, there were only 675,000 persons under the Retirement Act. By 1944, a scant 2 years after the act was approved, there were 3,000,000 under the act.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. Can the Senator from South Carolina tell me how the other two and a half million of the 3,000,000 came under the act?

Mr. JOHNSTON of South Carolina. What does the Senator mean by that?

Mr. WILLIAMS. The Senator said that in 1940 some 600,000-odd employees were under the retirement act. I think that was the figure quoted, was it not?

Mr. JOHNSTON of South Carolina. That was in 1940.

Mr. WILLIAMS. And then there was an increase of around 2,000,000 during the next 2 years?

Mr. JOHNSTON of South Carolina. That is true.

Mr. WILLIAMS. How did those employees get into the civil service?

Mr. JOHNSTON of South Carolina. They got into the civil service, some under civil-service examinations; some were blanketed in under an Executive order. All of that was done because we were in a war, and it was necessary to employ people immediately in order to carry on the war and win the war as soon as possible. If that is wrong, I will take the blame, although I was not here at that time.

Mr. WILLIAMS. I did not say it was wrong. I merely wanted to bring out the point that between one and a half million and two million employees were blanketed into the civil-service system during that period.

Mr. JOHNSTON of South Carolina. Some of them were blanketed into the civil service, not all of them. Many were already on the civil-service list and were called into service. As the Senator knows, a group appeared at our last meeting that were blanketed in, but they were on the waiting list.

At the same time the total coverage was extended there was an increase of 1½ percent, from 3.5 percent to 5 percent, of contributions on the part of employees. I am not certain why the Senator from Delaware stresses his statement that there was no actuarial report. The fact is that this is not an actuarial system and never has been, yet the retirement fund continues to meet all obligations, even in the face of the increase from 675,000 to 3,000,000 persons so covered.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. Is it not a fact that the Civil Service Commission carry on their pay roll a board of actuaries?

Mr. JOHNSTON of South Carolina. Certainly. They carry not merely one actuary but perhaps several.

Mr. WILLIAMS. And it would have been possible to have had a report from that board of actuaries as to the cost?

Mr. JOHNSTON of South Carolina. So far as the actuarial cost is concerned, the

Senator will have that. I want to inform him that that is being made up now, and that it will contain a report on the pending bill, showing that it will not cost the Government a single cent more than it is costing at the present time. That information is now being prepared in connection with the pending bill, since the Senator wants it, although this is not an actuarial system.

Mr. WILLIAMS. If they are now preparing an actuarial report—and since it has been stated in the committee that it would take 4 months for a board of actuaries to make a reasonable estimate on the cost of the bill, and the chairman thought we did not have time to wait for it—I should like to ask the Senator from South Carolina how he knows in advance that the board of actuaries are going to submit to the Senate a report showing that there will be no additional cost under the pending bill when the board of actuaries have not yet made the report?

Mr. JOHNSTON of South Carolina. The Senator from Delaware and the other members of the Committee on Civil Service have heard the actuaries talk on this particular bill before the committee, and every time they have made a statement it has been to the effect that there would be practically no additional cost to the Government if the pending bill should be passed. Is that not true?

Mr. WILLIAMS. No, sir; it is not true. It has been contradicted. We have had reports to that effect, and we have had reports that there will be an additional cost, as has been pointed out in the report.

Mr. JOHNSTON of South Carolina. Where is it pointed out in the report? We have the report.

Mr. WILLIAMS. It is not in the report as submitted to the Senate. That was the charge I made on the floor of the Senate last Thursday. The report found on the desks of Senators did not contain a complete report of all hearings that were held before the Civil Service Committee on the pending bill. There were many reports submitted and many statements made before the committee, that are not included in the report on the desks of Senators.

Mr. JOHNSTON of South Carolina. But the Senator will acknowledge that the actuaries testified there would be no additional cost—at least some of them so advised us?

Mr. WILLIAMS. Some of them did; yes.

Mr. JOHNSTON of South Carolina. They certainly so advised us.

Mr. WILLIAMS. But the Senator will certainly admit that there have been actuaries before the committee who said the costs would be increased?

Mr. JOHNSTON of South Carolina. They have said there would be practically no increased cost; that if there should be any increased cost, it would not be over two or three million dollars annually; which is nothing; very, very little.

Mr. WILLIAMS. What I do not understand is how the Senator from South Carolina knows what the report will be, before the actuaries submit it.

Mr. JOHNSTON of South Carolina. I am going by what they told us in the committee at various times in discussing the matter. In other words, the committee has a number of actuaries who are preparing a report for presentation to the Senate which will show that there will be no cost to the Government under the bill. I have no actuaries, I am sorry to say, because the Republicans have them all. The Republicans appointed all the various experts working for the committee, and we Democrats appointed none. But those who reported to the committee, the Republicans' own men, will tell the committee that there will be no cost involved.

Mr. WILLIAMS. I should like to read a part of the letter from the actuary of the Senate Civil Service Committee, dated April 30. It is in the RECORD. It is signed by Mr. J. D. Phenix, the actuary and statistician for the Senate Civil Service Committee. The letter is dated April 30, five days later than the report of the Civil Service Committee, which was sent out to the Members of the Senate, which stated that there would be no extra cost involved. He says in his letter:

> No reliable estimates of costs can be made until the following data are available.

Mr. JOHNSTON of South Carolina. Read on further.

Mr. WILLIAMS. First, he would have to know the "number of covered employees who will normally be employed by the Government after the effects of the war have disappeared"——

Mr. JOHNSTON of South Carolina. Just a minute. The more employees we get rid of the less the bill will cost.

Mr. WILLIAMS. That is correct. But it is necessary to know the number who are to be gotten rid of.

Mr. JOHNSTON of South Carolina. It is necessary to know how many are going to be fired; that is true.

Mr. WILLIAMS. Again he would have to know with respect to—

> (a) Age, sex, salary, length of service.

Mr. JOHNSTON of South Carolina. They have the age of every employee, the sex, the salary, and length of service.

Mr. WILLIAMS. Yes; but he said it would take 4 months to prepare the report, and yet apparently the Senator knows that when the report is made it will disclose that the bill will cost nothing.

Mr. JOHNSTON of South Carolina. Go ahead.

Mr. WILLIAMS. He would have to know:

> (b) In the case of married males, age of wife, and age of each child under 18.

We have not received that information yet.

Mr. JOHNSTON of South Carolina. We have been given the estimate made by an employee of the committee.

Mr. WILLIAMS. Yes; and one of those estimates that was filed showed a cost of $20,000,000 for 1950. Is that not true? I had printed in the RECORD the chart from which the Senator is reading. I filed a chart showing that in 1950 the cost would be between twenty million and twenty-two million dollars, I forget the exact figure. The Senator has the figure. That estimate was prepared by the actuary and statistician of the Civil Service Commission, Mr. Irons.

Mr. JOHNSTON of South Carolina. How much more are the employees to pay into the fund on their salaries? It is 1 percent, is it not?

Mr. WILLIAMS. For the year in question they would pay in $44,000,000, but that was deducted from the cost, and there would be $20,000,000 or $22,000,000 more required for the year 1950. That estimate was filed with the committee and was not included in the report made by the committee. I ask the Senator from South Carolina, why was not that estimate included in the report of the committee when it reported the bill to the Senate? Why was that particular item left out?

Mr. JOHNSTON of South Carolina. The Senator will have to ask someone else. I was not one of those who had control of the committee. The Republicans were in control.

Mr. WILLIAMS. No, the Republicans did not have control, because six Democrats and six Republicans voted to report the bill. I voted against it.

Mr. JOHNSTON of South Carolina. The vote on the bill was what?

Mr. WILLIAMS. I say the members of the committee were divided six Republicans to six Democrats.

Mr. JOHNSTON of South Carolina. What was the vote on reporting the bill?

Mr. WILLIAMS. All the Republicans but one plus the Democrats voted to report the bill.

Mr. JOHNSTON of South Carolina. Who was that one?

Mr. WILLIAMS. I was the one.

Mr. JOHNSTON of South Carolina. That is what I thought.

Mr. WILLIAMS. But the Senator said the Republicans voted to report the bill from the committee.

Mr. JOHNSTON of South Carolina. Members of both parties voted to report the bill. But so far as the report itself is concerned, it was prepared by the staff which the Republicans had appointed. Is that not true? Did not the staff appointed by the Republicans prepare the report?

Mr. WILLIAMS. Did the Senator from South Carolina vote for the employment of the staff?

Mr. JOHNSTON of South Carolina. I voted to report the bill.

Mr. WILLIAMS. I mean when the staff was chosen in the beginning, did the Senator vote for the employment of that staff?

Mr. JOHNSTON of South Carolina. My vote for the employment of an accountant or other experts did not count, and the Senator knows that. The Senator from Delaware might just as well acknowledge that fact. There is no use getting off into party politics.

Mr. WILLIAMS. I am not getting off into party politics.

Mr. JOHNSTON of South Carolina. The Republicans appointed all the members of the committee staff. Since the Senator has mentioned that situation, why does not the committee report the postmasters whose nominations are now in the committee? The committee will not report any of them. Tell me, a Democrat, why not?

Mr. WILLIAMS. So far as I know, Mr. President, if the Senator will yield——

Mr. JOHNSTON of South Carolina. The Senator knows that to be a fact.

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Delaware?

Mr. JOHNSTON of South Carolina. Let me go a step further. Does the Senator know of a single complaint filed in the committee against any of the nominees for postmasters?

Mr. WILLIAMS. Mr. President, will the Senator yield so I may answer that question?

Mr. JOHNSTON of South Carolina. Yes.

Mr. WILLIAMS. So far as I know the question of reporting the postmaster nominations has never been brought up in the Civil Service Committee at any of its meetings. I do not think the Senator from South Carolina has ever made a motion to the effect that the committee report the nominations of postmasters. Has the Senator done so?

Mr. JOHNSTON of South Carolina. What good would it do? The Senator knows exactly the condition in the committee. Why quibble over that situation? We could never get a sufficient number of votes in the committee to have the committee report the nominations. We cannot even have a record made of the executive sessions. Let us face the fact.

Mr. WILLIAMS. We are really getting away from the point at issue.

Mr. JOHNSTON of South Carolina. I want to pin the Senator down. If I should move that the nominees for postmasterships in my State be reported, would the Senator vote with me?

Mr. WILLIAMS. I do not know who the nominees in the Senator's State are.

Mr. JOHNSTON of South Carolina. Nothing has been filed against them. No complaint has been made respecting any of them.

Mr. WILLIAMS. I can say that there are only two nominations for postmasterships in the State of Delaware before the committee, pending, and I recommend the confirmation of both of them. They are both Democrats. I say that—if it will be of any comfort to the Senator from South Carolina. But I think it is unfair for the Senator from South Caroline to say that the Civil Service Committee will not report the nominations for postmasters until he has at least made an effort in the committee to have them reported. Then if his motion is rejected he has a perfect right to come on the floor of the Senate and make complaint. But so far he has made no effort at all to bring up the name of any postmaster nominated from South Carolina.

Mr. JOHNSTON of South Carolina. That question has not been brought up. We have not voted on it.

Mr. WILLIAMS. That is correct.

Mr. JOHNSTON of South Carolina. But certainly every member of the committee knows how every other member stands, and every member knows that if a Democratic member were to move that any of the nominations be reported, it would result in nothing but taking up the time of the committee.

Mr. WILLIAMS. Mr. President, will the Senator yield further?

Mr. JOHNSTON of South Carolina. Yes.

Mr. WILLIAMS. I should like to suggest that perhaps the Senator from South Carolina is going on the same assumption when he speaks about postmasters that he is when he says that he has a board of actuaries working on the cost of the Senate bill and that he knows it is not going to cost the Government anything, and that a report to that effect will be prepared. I think he is jumping at a conclusion before he has read the text of what he is working on.

Mr. JOHNSTON of South Carolina. I am glad to hear the remark made by the Senator from Delaware. I believe I have obtained all the information possible to obtain from him. From what he has stated I am led to believe that probably if we move to have the nominations reported he will vote with us. I understand from what he said that he wants the nominations from his State reported.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LUCAS. I am extremely happy to hear what the distinguished Senator from Delaware has said about the two postmasters in his State. That gives me considerable hope that he will support the position of the Democratic members of the Civil Service Committee. I would suggest to the Senator that at the next meeting of the committee, if the motion has not been made to report the nominations, that such a motion be made, and that a roll-call vote be taken upon the motion. I was under the impression when I made a statement a few days ago, based on a statement made by the Senator from South Carolina, that a vote had been taken in the committee respecting postmasters. But apparently, from what I have now heard, that has not been done.

Mr. JOHNSTON of South Carolina. If the Senator from Illinois will recall, when that discussion was had, I said I thought the subject had been taken up, but I was not present at the meeting. A vote was not had. The subject was only discussed in committee. A roll-call vote was not had in committee. I did not ask that the nomination of any individual postmaster be reported.

Mr. LUCAS. Can the Senator give me any assurance that at the next meeting of the Civil Service Committee such a motion will be made?

Mr. JOHNSTON of South Carolina. So far as I am concerned, I am ready to make a motion that the nominations of my "boys" in South Carolina be reported.

Mr. LUCAS. Only the Senator's "boys"?

Mr. JOHNSTON of South Carolina. I shall take care of them. I am in favor of all the nominations against which there are no complaints pending being reported. Even those who have complaints against them should have a hearing.

Mr. LUCAS. I again want to compliment the Senator from Delaware on the position he takes with respect to the postmasters from his State. He says there are two nominations of Democrats for postmasters in his State, and he favors confirmation of both. I assume that is because he has made some investigation and knows that they are good men. He probably knows them personally, and they are perhaps No. 1 on the list, and have proper civil-service status. The Senator's stand is very encouraging to us. I think he has taken a very statesmanlike position in the statement he has made, and I want to congratulate him upon it.

Mr. WILLIAMS. Mr. President, will the Senator yield for one comment?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Delaware.

Mr. WILLIAMS. When I stated they were both Democrats, I might have been inaccurate. I assumed that they were both Democrats. I cannot say that I have checked their political standing. I do know that I have checked the character of both men, and so far as I am concerned they are approved. It was merely an assumption on my part when I stated that they were Democrats. I might have been mistaken, but I do not think I was.

Mr. JOHNSTON of South Carolina. I can almost swear that those in South Carolina are Democrats. I do not believe that we could find any Republicans down there to fill the offices. I will say to the Senator from Delaware that when the nominations from his State are taken up, I will vote for them if they meet with his approval. That is the only question. I am not going to enter into his State and try to interfere with the affairs of that State. I leave other people's business alone so far as other States are concerned; and I want South Carolina let alone. That has been my politics all the time. When an attempt is made to interfere with South Carolina, I will complain loudly.

Once more the Senator makes the statement that "the obligations of the Retirement Act were further increased during the past 2 years when the salaries of the Government employees were raised an average of approximately 30 percent over the period." But, the Senator continued by saying there would be an increase in annuities of those employees who were retired after having served during the 5-year war period, approximately 30 percent or in the same proportion as their salaries were increased. Salaries were not increased 30 percent during the war years. In July 1945, there was one increase and in July 1946, there was another increase. There was provision for payment for overtime which overtime was abolished shortly after July 1, 1945. Such overtime payments were not subject to the retirement deductions because they were not considered basic pay. The 1945 and 1946 basic salary increases will not be fully reflected in the form of increased annuities until later than the middle of 1951, or 5 years after July 1, 1946. This is because of the fact that one may select the highest five consecutive years as the basis for computation of his annuity, and such 5 years will not have elapsed until June 30, 1951. The Senator seems to believe that establishment of the highest five consecutive years as a basis for

computation is something brand new and that it was inserted in some sort of surreptitious manner in the Retirement Act revisions of 1942. Such, of course, is not the case. The highest-5-year rule was instituted in the act of 1930, 12 years previous to passage of the act of January 24, 1942.

When the Senator from Delaware makes the statement that there was an increase in the Government contributions from $175,000,000 in 1944 to $246,000,000 in 1946, the answer plainly is that the coverage was, as I have stated, from 675,000 in 1940 to 3,000,000 in 1944. Numbers of persons covered by the act necessarily determine the number of dollars spent to put such coverage into effect. The cost will be greater if we have a larger number of employees and they remain in service.

Mr. WILLIAMS. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. Perhaps I was mistaken in the assumption I made as to the increased cost, but if I was wrong, I should like to ask the Senator from South Carolina this question: I notice from the annual budget proposed for 1948 that the Civil Service Commission has estimated the requirements at $20,000,000 more than was appropriated in 1946. Yet a law was enacted last year providing that on July 1 of this year the number of Federal employees should be reduced to one and a half million, or half the figure which the Senator has just quoted, during a period in which there were appropriations of $246,000,000. The Senator has made a very good explanation as to why the appropriations should increase as the number of employees increased. I can understand that. However, I wish he would explain to me, if that was the reason for the increase, if it was due solely to the fact that the number of employees increased, why the Budget Bureau has not made a proposal to reduce the contributions now that we are going back to a level of one and a half million. Why should we be expected to appropriate more than $123,000,000 for next year if we are going back to the figure of one and a half million employees, half the previous figure?

Mr. JOHNSTON of South Carolina. Naturally the cost will be greater if there are more employees, if they remain in service.

Mr. WILLIAMS. Mr. President, will the Senator further yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. When the Budget Bureau made its estimate that an additional $20,000,000 would be required during the next fiscal year over what was appropriated for this year, was it on the assumption that the number of Federal employees would be greater than it was last year?

Mr. JOHNSTON of South Carolina. The Senator knows that a great many persons will leave the employment of the Federal Government. It will require millions of dollars to pay them, but that will mean a saving to the Civil Service fund in the long run, because if they have not been in the service 5 years, we shall have to pay them their money in cash, with 4 percent interest. Such payments in the aggregate will amount to a huge sum, but they will be off the pay rolls, and in the future we shall not have to pay them when they become 55, 60, or whatever the retirement age is.

Mr. WILLIAMS. Mr. President, will the Senator further yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. Is it not a fact that when the Senator, as a member of the majority which reported the bill favorably to the Senate, stated that the system could operate with no additional contributions above the appropriations which had been contributed to the fund, he was taking into consideration at that time that the number of Federal employees would be reduced to one and a half million?

Mr. JOHNSTON of South Carolina. I have never believed that the number could be reduced to that extent. In the discussions in the committee, as the Senator will recall, practically every member of the committee reached the same conclusion. Is not that true?

Mr. WILLIAMS. In all the estimates that were made in the committee we used the assumption that we would be operating at a level of one and a half million employees. Is not that correct?

Mr. JOHNSTON of South Carolina. I have never believed that; and I do not believe that many Senators who really think the matter through are of that opinion.

Mr. WILLIAMS. I do not care what the Senator believes. The estimates were all made on that assumption, were they not?

Mr. JOHNSTON of South Carolina. They were made on the assumption that there would be a considerable decrease in the number of Federal employees.

Mr. WILLIAMS. On the assumption that the number would be decreased to one and a half million.

Mr. JOHNSTON of South Carolina. At the present time it would cost the fund a great deal of money, but eventually it would cost less as they leave the service.

Mr. WILLIAMS. I believe Mr. Irons made the statement in the committee—and we all agreed to it—that the estimate was based on the assumption of one and a half million employees, or one-half the figure of 3,000,000. The chart which I submitted for the record shows that the estimate of cost was based on that assumption.

Mr. JOHNSTON of South Carolina. I am not able to dispute that statement.

Mr. WILLIAMS. The point I wish to bring out is this: What the committee proposes to do is to maintain appropriations approximately at the $250,000,000 level for the next 30 years, whereas by the Senator's own argument we had a reasonable right to expect that the appropriations would drop to $100,000,000 or $150,000,000 as the number of employees was reduced. When it is said that the program would cost nothing additional, it is assumed that there could be shouldered on the taxpayers for the next 30 years appropriations of approximately $250,000,000 a year, or $100,000,000 more than we had a right to expect, which would total $3,000,000,000 for the next 30 years to pay for this bill. Does the Senator dispute that statement?

Mr. JOHNSTON of South Carolina. I am not here to dispute the Senator's statements. The Senator may give his facts and I shall give mine.

The Senator said that the increased number of persons "does not take into consideration any of the retirement funds which have been set up under some Government agencies in recent years, and which are being operated entirely independent of the present civil-service retirement system."

Just what the connection is between that statement and Senate bill 637 is entirely vague. The Tennessee Valley Authority does operate a separate retirement system. At the same time the TVA operates a separate employment system, independent of the Classification Act, the classified service, and the civil-service rules and regulations in general, as well as the civil-service retirement system. This, again, was done by act of Congress, and it goes back many years before the Senator from Delaware arrived in Washington.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. I will admit to the Senator from South Carolina that many of the statements which I have made on the floor have been regarding matters and things that happened before I came here. Perhaps that is the reason I came here—to investigate some of those actions.

I will admit, further, that when I made reference to the retirement fund of the Tennessee Valley Authority perhaps it did not have anything to do with the civil-service retirement fund. I was merely pointing out the fact that we do have several retirement funds operating in the Government. I think the Senator will admit that when I referred to those other funds, even though it was a little off course, it was more germane to the subject than is the discussion we have just had regarding appointments of postmasters in South Carolina.

Mr. JOHNSTON of South Carolina. I think the Senator is correct when he says he was off the course.

Next, the Senator from Delaware speaks the fact that on the Senate Calendar there is a bill—S. 637—"which has been reported favorably by a substantial majority of the committee."

The fact is that it was not only a substantial majority but actually by a vote of 8 to 1, and that vote was taken only after extensive hearings and many hours of public and executive meetings.

Mr. WILLIAMS. Mr. President, will the Senator yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. I think the Senator will find that it was really a vote of 12 to 1.

Mr. JOHNSTON of South Carolina. They have a way of counting votes afterward. I am counting only the ones who were actually present at the time. That being so, I grant that if it was a vote of 12 to 1 it is so much the better. I will agree to the Senator's statement, but, if my memory serves me correctly, there were only nine present at the time.

Mr. WILLIAMS. If I am not mistaken, they voted 2 days later on that.

Mr. JOHNSTON of South Carolina. They had one of the "sub rosa" votes and let them all vote. But I am speaking of the situation in the committee at the time.

Tenth. The Senator next says that the report on the bill sets forth that—

> The ultimate cost to the Government when the system reaches maturity, approximately 30 years hence, may be four or five million dollars per year. No immediate increase in appropriations is required.

That report was composed only after the committee had given a great deal of thought to the purposes of the bill and the costs involved. The statements in that report are concurred in by the Civil Service Commission in the form of a letter from the Acting President of the Commission, who says:

> It is our judgment that the liberalized benefits are balanced by modifications elsewhere in the bill, plus, of course, the increased contributions of 1 percent to be made by the Federal employees.

That is where the money is coming from—1 percent from the employees.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. I want to thank the Senator from South Carolina for quoting from that report, because a few minutes ago he did not know anything about it; he said that it was a Republican report.

Mr. JOHNSTON of South Carolina. I did not say that. I said that the report was compiled by the staff of the committee.

Mr. WILLIAMS. That is correct; but the fact that the Senator is quoting from it indicates that he accepts it as having some authority.

Mr. JOHNSTON of South Carolina. I will never deny it; and I hope the Senator will not deny it when some other statements are sent in within a few days as to the cost of the bill. The Senator will find, I think, that the cost will be practically nothing.

Mr. President, the statement which I read a few moments ago was made by Mr. Arthur S. Flemming, then acting president of the Civil Service Commission, on May 9, 1947, after the bill had cleared the committee and had gone to the Senate Calendar. The Senator from Delaware will recall that there was a meeting held in his office with the Chief of the Retirement Division of the Civil Service Commission, Mr. Warren B. Irons, who made a statement to the effect that contributions from employees, in addition to the savings effected through economies in administration and otherwise, would approximate any additional cost under Senate bill 637.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. I dispute that statement. Mr. Irons did not make such a statement as that in my office. In fact, I have several signed statements which the stenographer took down in the minutes. They are here, and I think if the Senator looks them over he will not find any such statement.

Mr. JOHNSTON of South Carolina. The Senator said that previously, and the Senator said that he has heard no one testify that the 1-percent contribution by employees would cover the cost of those items contained in Senate bill 637. If the Senator will contact Mr. Irons, he will find that he made the statement which I have just made. I would remind the Senator that at a meeting presided over by the Senator from Vermont [Mr. FLANDERS], which was an executive meeting, the statement was made by Mr. Irons to that effect, and no one took issue with him. Whether the Senator attended that meeting I cannot say, because it was an executive meeting and no record was made of the transaction. The Senator appeared to be saying last Thursday that the committee was "spreading the idea all over the country that Government employees would gain benefits under the act," and at the same time "the situation is being misrepresented to either the Members of Congress and the taxpayers or to the employees themselves."

No one, so far as I know, is misrepresenting anything at the present time. I would not have taken any part in any such misrepresentation. I understand the purposes of Senate bill 637, and I believe that practically all my colleagues understand them. The innuendo that anyone inside or outside the committee is trying to misrepresent the purposes or effects of Senate bill 637 I think is not saying exactly what is true. Further, any such statements, implied or expressed, are unfounded.

Eleventh. The Senator makes capital of the statement that a chart which he inserted in the RECORD during the course of his remarks a few days ago had been filed with the committee itself during the hearings but was not printed in the record of the committee hearings. The fact is that the chart was submitted after the hearings had concluded, and only informal sessions were held after the hearings. While the table was not presented at a hearing, the purport of the table was discussed informally and the figures were revised downward. Even on the basis of the chart which the Senator included in his remarks, there is shown only an increased cost to the Government of $11,000,000 for a 32-year period beginning in 1948, the effective year of the proposed act, or at the rate of approximately one-half million dollars a year to institute these social benefits for Government employees.

Thus we find that the cost is very small, even if we take the cost figures to be found in the table which was discussed before the committee.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. The Senator from South Carolina has mentioned that the chart was not filed with the committee. I wish to call his attention to one fact which may refresh his memory: Mr. Irons brought this chart before the committee at one session of the committee, and the Senator from Vermont [Mr. FLANDERS], I believe it was, raised a question as to the figures for the three additional years of 1948, 1949, and 1950, as to which the statistics were not shown on that chart. At the next meeting the chart was brought back, and at that time the figures for all three of those years were included in the chart. It was filed with the committee, not in an executive session, but during a regular session, and it was not included in the printed hearings. Furthermore, the chart does not show that it would cost any such small amount as the Senator from South Carolina has just mentioned.

Mr. JOHNSTON of South Carolina. As I remember, this point was brought up in the committee. We had various and sundry hearings on the bill, and at the time when the Senator from Delaware brought it up, as I remember, the committee was not having any particular hearings at that time. No witness was testifying, as I recall. Is not that true?

Mr. WILLIAMS. Mr. President, at the time when I brought that into the hearings, Mr. Irons was the witness who was answering questions.

Mr. JOHNSTON of South Carolina. At that time, as I recall, we were discussing the general phases and features of the bill, and this matter came up for discussion at that time. Of course my memory could be wrong and the memory of the Senator from Delaware could be correct. I am not quibbling over whether it was done at that time or at some other time, for that makes no difference.

The junior Senator from Delaware has taken the chairman of the Committee on Civil Service to task by claiming that elimination of the tontine or service charge on individual accounts in the retirement fund would cause a loss of $18,000,000 to the fund. It is apparent that the Senator has not read the entire statement of the Civil Service Commission on this point. Mr. Arthur S. Flemming, the Acting President of the Commission, says:

> This charge of $1 per month levied against each Federal employee has been an administrative problem ever since its inception. It is unfair in that the $1 per month is charged against the account of the low-salaried employee as well as the high-salaried employee. When full account is taken of the administrative handling charges, there is actually little net gain in income to the fund. The administration of the act by the agencies and the Commission will be greatly simplified by the elimination of the tontine.

Mr. WILLIAMS. Mr. President, if the Senator will further yield, let me say that if he will read my statement, I think he will find that I did not make any charge that the dollar-a-month charge represents any additional cost. I merely said that I did not understand what it would do, and I said that perhaps the chairman of the committee or some other member of the committee could explain

it. Perhaps the reason that I did not know at that time was because the quotation from the testimony of Mr. Flemming, which the Senator from South Carolina has just read, must have been made at some of the hearings which were not printed and available to Senators, and perhaps I was not present at the time.

Mr. JOHNSTON of South Carolina. I think the Senator will find that statement in the testimony given by Mr. Flemming at the hearings. That is where I obtained it.

Incidentally, let me ask where the Senator from Delaware obtained the information regarding the $18,000,000 cost to the fund. I never have been able to ascertain just what the cost would be, because the administrative costs are so great.

Mr. WILLIAMS. I can explain where I got the figure of $18,000,000. If a million and a half employees are on the pay roll and if they pay a dollar a month, I think the total will amount to $18,000,000. Is not that correct?

Mr. JOHNSTON of South Carolina. In other words, the Senator from Delaware figures the total cost in terms of what would be contributed, without regard to the cost of operation or the cost of handling the funds or writing letters, and so forth.

Mr. President, there are a dozen or more retirement systems operated by the Federal Government. Yet only those administered by the Civil Service Commission carry the $1 a month tontine charge. Of the thousands of plans operated throughout the country in private industry, none, so far as I have been able to learn, make such charge against the credits of persons whose beneficiaries would derive payments under their systems.

The junior Senator from Delaware makes the claim that—

> If this bill passes, it will mean that in order for Congress to reduce the Government pay roll by 1,000,000 employees and assuming that only half of these employees qualify with over 5 years of service, the total cost of this proposed bonus bill would exceed $2,000,000,000.

It is difficult to understand how the Senator arrives at the cost in respect to 1,000,000 employees with over 5 years of service, who, he says, "fought the battle of Washington." The Senator is making a long assumption in believing, first, that 1,000,000 employees will be separated, and, second, that the 1,000,000 would or could have more than 5 years of service. They could not have that much service, in all probability.

Mr. WILLIAMS. Mr. President, if the Senator will further yield, let me ask him how many of them could have 5 years of service.

Mr. JOHNSTON of South Carolina. I think the only person who could answer that question would be someone who has access to all the records relative to civil-service employees. I do not know, and I do not think the Senator from Delaware knows.

Mr. WILLIAMS. How would the Senator from South Carolina suggest that we go about ascertaining that? Would he suggest that we take a particular Government agency as an example and examine the individual records of its employees? Or how would the Senator from South Carolina suggest that we proceed in obtaining an estimate of that sort?

Mr. JOHNSTON of South Carolina. It is almost impossible to predicate the figures for all governmental agencies on the figures in the case of only one governmental agency. We could not proceed in that way. The agencies came into existence at various times, and some of them required more help along the line.

Mr. WILLIAMS. I should like to say that I took one particular agency and went down the line for that agency employee by employee, and obtained the figures for that agency in that way. I do not claim that it is a representative agency, but I would suggest that the Senator from South Carolina make a similar study in regard to another agency and examine the figures for it. If he does that, perhaps we shall be able to agree upon some figure. But I do not think the Senator from South Carolina should criticize my figures unless he has figures to the contrary.

Mr. JOHNSTON of South Carolina. Mr. President, it is impossible to say that the figures for one governmental agency will be indicative of those for all agencies. Such figures would be nowhere near accurate—simply to take the figures for one agency and multiply them by the total number of agencies. I think the Civil Service Commission probably could come the nearest to telling what would have to be paid year by year for the retirement system, and I believe it could do much better than I could.

Mr. WILLIAMS. In the case of the particular agency with respect to which I made an examination, I should like to repeat my report regarding it. That particular agency had 494 employees. Two and one-half percent of those employees—or 11, to be exact—resigned. Four hundred and eight-three accepted their dismissal notice. In addition, 170 of them had service between 5 and 10 years, and as to them I took 7 years as an average. Seventy-one of them had service between 10 and 14 years, and as to them I took 12 years as an average. Twenty-four of them had service between 15 and 30 years, and as to them I took 20 years as an average.

Thus, the total cost of liquidating that agency, insofar as those employees are concerned, would be as follows: All 494 of them would receive $983,500, in addition to getting back all the money they paid into the fund.

The Senator from South Carolina says he will stand by the committee's report, which says the bill will cost nothing. He also has a report in the process of preparation, and it is understood that it will be ready in a few days, for it is being worked on diligently at the present time in an effort to ascertain the answer. But the answer will be that it will cost nothing.

I should like to have the Senator from South Carolina explain just one thing to me: Where is the $983,500 for this one small agency of 494 employees coming from if it is not coming out of the Civil Service Retirement fund? If Congress is not going to appropriate the money, where is the money to come from?

Mr. JOHNSTON of South Carolina. How does the Senator know the figure he gave is the correct amount?

Mr. WILLIAMS. I figured it out.

Mr. JOHNSTON of South Carolina. The Senator figured it out? I wish he would figure out just how much it will cost for the next 25 years. He certainly would be paid well for the information.

Mr. WILLIAMS. Perhaps the Senator believes the figures are wrong. I placed them in the RECORD and I told the name of the agency from which they came and so far the facts have not been disputed. I did not include in the RECORD the names of the employees, because I did not think it would be fair. I do not blame any of the employees for taking what is coming to them if we enact the law, and therefore I would not like to put their names into the RECORD. I will give the name of every man in the agency to the Senator from South Carolina, if he cares to look the list over, and I would appreciate it very much if he then would come to the floor of the Senate and tell me wherein I am wrong.

Mr. JOHNSTON of South Carolina. Mr. President, there is the further fact that many such persons, even if the Senator's figures were correct, would have to wait 35 or 40 years in order to receive full benefit.

Lastly, the amounts which would be expended would be distibuted over three quarters of a century. Further, it is a fair assumption that many of these persons would be dead before arriving at age 62.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. The Senator from South Carolina is perfectly correct when he says that many of these employees would be dead, and never receive the benefit. But this estimate is based on the averages as used by the Civil Service Commission itself. In other words, they figure that on the average 100 employees, or a thousand, whatever figure they use, at the age of 62, would have 13 years coming to them for retirement privileges. It is true that one man will receive 15 or 20 years' benefits, another none. But the figure I gave was the average used by the Civil Service Commission. These figures have been looked over by the Commission, and they themselves do not contradict them.

Mr. JOHNSTON of South Carolina. The Senator from Delaware made the statement that the cost of Senate bill 637 would be $105,000,000. Is that correct?

Mr. WILLIAMS. I think the cost I arrived at was around $75,000,000 in 1980. I included in the RECORD a report that was put before the House committee, and their actuarial statement was that the cost would be $105,000,000. I put that in the RECORD.

Mr. JOHNSTON of South Carolina. When he was discussing the matter last Thursday the Senator from Delaware made the statement that the cost of S. 637 would be $105,000,000 dollars. Unfortunately, he does not seem to have read the entire letter of the Civil Service

Commission of May 21, signed by Mr. Harry B. Mitchell, President, wherein Mr. Mitchell calls attention to the fact that the Commission staff is presently engaged in examining the assumptions used by the Board of Actuaries in reaching its original conclusion on costs. The Commission says:

We are examining particularly the cost charged to benefits to widows and children which is reflected on page 8 as being 1.94 percent of payroll. This examination should be completed within a few days and the Commission will inform you (Chairman LANGER) if, as a result of that examination, there should be any reduction in this quoted cost.

Just what those reestimates of cost will be I cannot say now, but at the proper time they will be presented before the Senate for its consideration.

Mr. President, I have here a statement of just how the actuaries estimate costs, which reads as follows:

HOW THE ACTUARIES ESTIMATE COST

The estimate of cost made by the actuaries of the civil-service retirement fund is based upon the assumption that the Fund is operated on an actuarially solvent basis. This means that there is money enough in the fund at all times to discharge all existing obligations in the event that the retirement system is abolished. This reserve would pay retirement benefits to all employees as long as they live and there would be a sufficient amount in the fund to operate the fund and to liquidate it at the expiration date of the last claim. Obviously, such a huge reserve is not necessary in a Government fund. If anything should happen to the financial stability of the Government, there would be no retirement benefits.

And there would not be very much for us here in America to live for.

In estimating cost the Board of Actuaries estimate normal costs and deficiency costs. Normal costs have nothing to do with expenditures. The actuaries do not attempt to estimate expenditures. What they call normal cost is the amount of future benefits earned by all individuals under the fund in any one year. Deficiency cost represents all the benefits due to the employees for previous service rendered prior to the enactment of the act.

In no other Government operation does the Government attempt to build up such an enormous reserve. In no other Government operation does the Government attempt to set up reserves to pay benefits for 70 or 75 years in the future. This is exactly what is attempted with relation to the retirement fund.

Mr. President, if we will study the entire civil-service and the retirement system as it applies to all civil-service employees, we will see that the Government has not at any time kept in reserve a sufficient amount actually to meet all the contingencies set out in what I have just read. But the Government does undertake to help out with the payment of benefits under the retirement system.

To begin with, it was estimated that the Government would pay the whole cost. Later the employees' contribution was increased from 2½ percent to 3½ percent, then later to 5 percent.

Now, to take care of the additional costs, the bill calls for an increase of from 5 percent to 6 percent. That alone will take care of the benefits which are allowed under the bill, according to my estimate.

Mr. WILLIAMS. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. The Senator referred to his information. Where did the Senator get the information?

Mr. JOHNSTON of South Carolina. I got my information from talking to those who are supposed to know what they are talking about, the Civil Service Commission and the actuaries.

Mr. WILLIAMS. Did the Senator get his information from the Board of Actuaries who are now working on the bill?

Mr. JOHNSTON of South Carolina. For the Senator's information, I do not know who the actuaries are he has working on the bill.

Mr. WILLIAMS. But the Senator does know what their answers will be?

Mr. JOHNSTON of South Carolina. All I know is what I learned in the committee, that they are working on it.

Mr. WILLIAMS. And the report to the committee is supposed to be that the bill will cost nothing?

Mr. JOHNSTON of South Carolina. I am also taking the advice of the one who says it will cost nothing. I do not know about that. I do not pretend to know. I am being guided solely by what I have been informed by the Civil Service Commission and the actuary of our committee.

Mr. WILLIAMS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BALDWIN in the chair). Does the Senator from South Carolina yield to the Senator from Delaware?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. The actuary of the committee, of whom the Senator is speaking, is the same actuary who told me, on April 30, that no reliable estimate of the cost could be made until he had obtained certain information.

Mr. JOHNSTON of South Carolina. Does the Senator say that the actuary did not make that statement to him?

Mr. WILLIAMS. No; I am speaking about Mr. Phenix. Is the Senator referring to Mr. Phenix, the actuary of the Senate Civil Service Committee, who is helping prepare the report, according to which the retirement bill will cost nothing? Is that the man to whom the Senator refers?

Mr. JOHNSTON of South Carolina. As I said, I do not know who is preparing the report at the present time, but he helped prepare the report that was sent out.

Mr. WILLIAMS. If the Senator will yield further, I thought I heard him say he was talking with the actuary of the Senate Civil Service Committee.

Mr. JOHNSTON of South Carolina. That is true. Now, is the Senator speaking of the report that was made?

Mr. WILLIAMS. No; I am speaking of the report that is yet to come.

Mr. JOHNSTON of South Carolina. I do not know who is going to make that. I do not know exactly who will make that report. It will, however, come through the committee.

Mr. WILLIAMS. I see. The Senator simply knows the answer?

Mr. JOHNSTON of South Carolina. No, I am not saying that; I do not know the answer. But the information I have is to the effect that the report will show that the pending bill will not entail any additional cost to the Government.

Mr. WILLIAMS. I should like to observe that, as a member of the Senate Civil Service Committee, so far as I know, there is no actuary of the committee working on it, unless somebody has someone working on the side, preparing a report.

Mr. JOHNSTON of South Carolina. We had men who are supposed to know the actuarial tables, who were working for us when we were considering the bill, during the past 5 months. Is not that true?

Mr. WILLIAMS. That part is true. We were supposed to have men working on it, and those men made a report to the committee. Their report was that the bill would cost something. But that report was omitted, and it has been ignored. I am speaking of the report which is to come from an unknown board of actuaries—a report about which the answer is known, 2 weeks before the report will actually be issued.

Mr. JOHNSTON of South Carolina. Is the Senator speaking of a time before the bill was finally amended? If the Senator will recall, the actuaries said before we revised the bill, that it would involve additional costs. The revision saved millions of dollars. After the revision, did the Senator hear any man, who could speak from the standpoint of an actuary, say that the pending bill would involve additional cost?

Mr. WILLIAMS. I did hear somebody say so, after the bill was amended. Perhaps the Senator from South Carolina is speaking of some amendment which I have forgotten.

Will he tell me what particular amendment was made to the bill, after the report was made, which lowered the cost $20,000,000.

Mr. JOHNSTON of South Carolina. There was no report after that, but I am speaking of a time toward the end, when we were working on it, when we made several amendments that were suggested, as the Senator knows.

Mr. WILLIAMS. That is correct.

Mr. JOHNSTON of South Carolina. We made several amendments that, as the Senator knows, were suggested by the actuaries, that they said would result in a saving of millions of dollars.

Mr. WILLIAMS. Will the Senator from South Carolina tell me of some of those amendments which would save money and which were adopted after the report was made? I cannot remember any amendments which were going to save $20,000,000. Perhaps I am wrong. Will the Senator tell me of some such amendment which was adopted?

Mr. JOHNSTON of South Carolina. Several amendments were submitted to us. I do not recall all the amendments submitted, but we had amendments before us, and the bill was revised.

Mr. WILLIAMS. Mr. President, it seems to me this is another assumption. This is an unknown amendment.

Mr. JOHNSTON of South Carolina. No.

Mr. WILLIAMS. I should like to know which amendment it was.

Mr. JOHNSTON of South Carolina. The bill was practically rewritten; is not that true?

Mr. WILLIAMS. Mr. President, we worked on this bill, I think, 4 months, did we not?

Mr. JOHNSTON of South Carolina. We have been working about 4 months on this bill. That is correct.

Mr. WILLIAMS. We had, I would roughly guess, from 20 to 25 sessions. Would I be far wrong in making that statement?

Mr. JOHNSTON of South Carolina. I think it was somewhere in that neighborhood. I was not present every day. I did not count the sessions.

Mr. WILLIAMS. Only five of the committee meetings were reported. I am trying to recall the amendment. I should like the Senator from South Carolina to correct me if I am wrong. I cannot remember any amendment being adopted which would save $20,000,000.

Mr. JOHNSTON of South Carolina. Is the Senator criticizing anybody?

Mr. WILLIAMS. No; I am merely trying to have a correct understanding.

Mr. JOHNSTON of South Carolina. Whose fault was it that all the meetings were not reported?

Mr. WILLIAMS. I do not know. The majority made the report. Thus far I have not been able to find any member of the committee who knows anything about the report of the committee being written, and yet it is on the desks of Senators, and it only covers 5 days, when it was admitted by the Senator from South Carolina just now that the committee had from 20 to 25 sessions.

Mr. JOHNSTON of South Carolina. We considered the report, as well as I remember, on three different days. Was not the Senator present on either one of those days? On one occasion we took up the matter of the report, and discussed it; the next day we sat and discussed it further, and we held it over. They were going to work on it a little further, and the report was to be made.

Mr. WILLIAMS. The only observation I made on the report in the committee when it was being prepared was that it was a majority report, and, since I voted against the report, it was none of my business what was in the report. It was the report of the majority which was to be filed.

Mr. JOHNSTON of South Carolina. So the Senator was present, then, when the report concerning the pending bill was considered? Did the Senator vote for the report?

Mr. WILLIAMS. No, sir. I did not vote for the report. I was not present when it was voted to report the bill.

Mr. JOHNSTON of South Carolina. The Senator was absent, then?

Mr. WILLIAMS. Had I been there, I should not have opposed the report being filed, because that was the action of the majority. I made my report, and I tried to defend on the floor the figures I presented. I do not claim that I am infallible, and if some amendment was adopted during a session from which I was absent, I am willing to correct my statement so far as that is concerned. But I wish the Senator from South Carolina, who remembers so much of what happened after the figure of $20,000,000 was placed before the committee, in connection with the cost in 1950, would tell me what amendment was adopted, either in my presence, when I was asleep, or when I was absent, which would reduce the cost.

Mr. JOHNSTON of South Carolina. Was the Senator present when the committee voted to make the changes—that is, to make the reduction?

Was not the Senator told that, if employees were given more time in which to withdraw from the fund, it would involve millions of dollars of additional cost?

Mr. WILLIAMS. Mr. President, I was present when a great deal was said with respect to the bill. I still do not recall any amendment that would change the cost represented by the bill, to the extent that the Senator from South Carolina has mentioned. I should like to be corrected by having the Senator name the amendment. I wish he would name some amendment.

Mr. JOHNSTON of South Carolina. The Senator remembers that we went all through the bill, and that certain things would effect a saving, and certain things would add to the cost, all the way through the bill. Does not the Senator remember that?

Mr. WILLIAMS. Mr. President, that is a little too general. I wish the Senator would tell me what the certain thing is that effected a saving in the figures stated by me. I stated what I thought it would cost. I wish the Senator would name for me just one amendment which would make such a reduction.

Mr. JOHNSTON of South Carolina. Would it not save money to force employees who had served not more than 5 years to receive their money in cash? Would not that represent a saving to the fund of millions of dollars? Such a provision was added. Is that not so?

Mr. WILLIAMS. Mr. President, will the Senator from South Carolina repeat the question?

Mr. JOHNSTON of South Carolina. Would it not save money to force a person who did not have more than 5 years employment in the service to take a money payment?

Mr. WILLIAMS. Mr. President, will the Senator from South Carolina answer a question, first? What does the employee who now has less than 5 years' service receive?

Mr. JOHNSTON of South Carolina. He receives back the money he paid in, plus 4 percent.

Mr. WILLIAMS. Mr. President, will the Senator from South Carolina tell me what the employee will receive under the pending bill?

Mr. JOHNSTON of South Carolina. He would receive the same amount, but there was discussion as to whether or not that would be carried forward, with the right given the employee to stay in the fund, and then, upon reaching the age of 62, come in under the amendment.

Mr. WILLIAMS. Then the Senator will admit that the status of the employee who has less than 5 years' service was not changed, will he not?

Mr. JOHNSTON of South Carolina. There is no change, so far as the law is concerned.

Mr. WILLIAMS. Then that would not account for any part of the $20,000,000 of which the Senator is speaking?

Mr. JOHNSTON of South Carolina. Let me explain to the Senator from Delaware that we were discussing in committee, not the items that would cost less than the present law, but less than the bill that was introduced. We were trying to cut back the bill that was introduced so that it would not cost the Government any more money.

Mr. WILLIAMS. An employee, as I understand, under the present civil-service system, who has less than 5 years of service, is eligible for a refund of all his money, plus interest. Under Senate bill 637, an employee who has less than 5 years' service receives exactly the same consideration, and it makes no difference whatever in the cost under the bill. If I am wrong about that, I wish the Senator would correct me.

Mr. JOHNSTON of South Carolina. That is true, under the present law, and it is true under the pending bill.

Mr. WILLIAMS. Therefore, Mr. President, when we made those changes, we made absolutely no change in the cost at all.

Mr. JOHNSTON of South Carolina. That is true.

Mr. WILLIAMS. And we are still $20,000,000 out of line in our figures.

Mr. JOHNSTON of South Carolina. I do not see that we are out of line by $20,000,000. That is what I am told; I am stating only what the actuaries who studied the pending bill have said.

Mr. WILLIAMS. If I may, I shall hand to the Senator the report of which I am speaking.

Mr. JOHNSTON of South Carolina. Two actuaries may appear before the committee when it is considering a retirement system; and one will tell the committee that probably the system will cost so much, and the other will say it will cost some other amount. Finally, if they get together and try to iron out the differences and resolve the matter they will come pretty close together. That is what has happened in this instance as I understand from our study of the bill.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. I should like to suggest at this time that we are $105,000,000 apart based on actuarial statements. The actuarial statement on an identical House bill gives the cost of the bill as $105,000,000. Is that correct?

Mr. JOHNSTON of South Carolina. The bill that was originally introduced in the House and the bill originally introduced in the Senate are entirely different from the bill reported by the Senate Civil Service Committee.

Mr. WILLIAMS. Mr. President, that is what I am trying to ascertain, namely, the difference in the cost of the various bills. If I am wrong about the matter, I wish someone would tell me what

the difference is. What is the difference between the bill reported by the Senate committee and the House bill, which would account for the discrepancy of $105,000,000?

Mr. JOHNSTON of South Carolina. I think if the Senator will read the report he will find the information. The committee staff has made a report, and they know far more about that matter than I do.

Mr. WILLIAMS. I should like to observe that I have read the report. I have read all the reports. In fact, I have been reading quite a little on this matter, and I still say that I cannot see any difference between the Senate bill now before the Senate and the bill which was before the House, which would account for the difference in the cost between the two. If I am wrong in that respect I wish some member of the committee who knows more about the matter than I do would tell me wherein I am wrong. The report on the bill before the Senate says there will be no additional cost to the Government. Yet a report on the identical bill in the House says the cost will be $105,000,000. One hundred and five million dollars may not mean much money in Washington, but it does mean a great deal of money in the places where the money comes from. I should like to know what the difference is between the two bills.

Mr. JOHNSTON of South Carolina. Is the bill which was in the House identical with the Senate bill, as amended, and now before the Senate? I do not think they are the same. They could not be.

Mr. WILLIAMS. I thought I had a copy of the House bill, but I do not. I have had both bills in the office and studied them, and so far as I have the ability to grasp, there is no difference in them which would account for the difference in the cost as stated. Perhaps the Senator from South Carolina can tell me wherein there is a difference between them.

Mr. JOHNSTON of South Carolina. I have not read the House bill. Therefore, I cannot tell the Senator what is in the House bill. The Senate bill is here before us, and the Senator can read it.

Mr. WILLIAMS. That is the point I want to bring out. The Senator from South Carolina is discussing a House bill which he has never read. He is quoting from an actuarial statement which is coming to the floor of the Senate sometime within the next few weeks. It has never been published, and yet he knows the answer.

Mr. JOHNSTON of South Carolina. I beg to differ with the Senator. I have not read the House bill. I do not know what is in it. I do not know what it looks like. I do not know whether it is similar to the Senate bill. I was asking the Senator from Delaware whether the two bills are alike.

Mr. WILLIAMS. I have already said that they are the same.

Mr. JOHNSTON of South Carolina. The Senator has read them both?

Mr. WILLIAMS. I have read them both, and I think I have a copy of them somewhere here.

Mr. JOHNSTON of South Carolina. I am speaking of the bill which was reported by the Senate committee, not the bill introduced in the Senate.

Mr. WILLIAMS. Mr. President, I have read both bills. I would not say they are exactly the same, word for word, but in my opinion there will be found to be very little difference, if any, in the cost of the bills as reported. They are framed along similar lines. If I am wrong in that statement, I wish the Senator from South Carolina would correct me. There may be the change of a comma somewhere, but the meaning and the provisions of the House bill are substantially the same as the bill before the Senate.

Mr. JOHNSTON of South Carolina. I have not read the House bill. The only bill I have read is the Senate bill. I do not know what is in the House bill. But I make the statement I am making on the basis of what was brought out before the committee. I have just now received the information that the House bill was not reported by the House committee. The Civil Service Committee reported the Senate bill. A bill was introduced in the House, but it has not been reported. Is that not true?

Mr. WILLIAMS. If the Senator will wait a minute, I shall endeavor to obtain the information. I cannot answer at the moment. I was not quite prepared for this discussion today, and when it arose I did not think I should be obliged also to prepare the other side of the question presented by the Senator from South Carolina. The Senator from South Carolina is speaking of the House bill, a bill which he has never read.

Mr. JOHNSTON of South Carolina. I said all the time I did not know what the House bill was. I have not read it. I do not know what is in it.

Mr. WILLIAMS. I believe the Senator said he did not know anything about the House bill, but that it was different from the Senate bill. Although he has not read the House bill he says the bills are different. I think he should secure a copy of the House bill.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. TYDINGS. If it is in order, I move that both the Senate and the House bill be stricken out of the four treaties now pending before the Senate.

Mr. JOHNSTON of South Carolina. The only thing that would then be before the Senate would be the Senate bill as reported by the committee.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. If the Senator from Maryland will withdraw his motion, I will say that I have the actuarial report in my hand dealing with the House bill. I wish to read the part of it which I placed in the RECORD on last Thursday.

Mr. JOHNSTON of South Carolina. Will the Senator suffer an interruption? I have the floor.

Mr. WILLIAMS. Yes; the Senator has the floor.

Mr. JOHNSTON of South Carolina. I think there is a little confusion with respect to what has occurred in the two Houses. A bill was introduced in the House, but was not reported by the House committee. The bill that was introduced in the Senate was probably similar to the House bill. Hearings have been had in the Senate committee on the Senate bill. It was remodeled, revamped, as every member of the committee knows, and in that form was reported. That being true, the cost of the Senate bill would be different from the cost of the bill as it was originally introduced in the Senate, and I believe every member of the committee, except the Senator from Delaware, will agree that we have revamped the bill, and that the cost under the bill as it is now before us will be millions of dollars less than the cost of the original Senate bill. I believe that is a fair statement to make.

Mr. WILLIAMS. If the Senator from South Carolina keeps on in that vein, perhaps it will be disclosed that a refund will be obtained under the bill as it is now before us. First a bill was introduced in the House, the cost of which to the Government would be $105,000,000. Then it got down to the point where the Senate Civil Service Committee said it would not cost the Government anything; now the Senator from South Carolina has got down to the further point where it will cost even less.

I should like to read a quotation that was contained in the actuarial report on the House bill that is now before the House. It is a part of the statement which shows the cost of $105,000,000 under the bill.

> The comparative costs given above indicate that the adoption of S. 637—

This is the Senate bill, not the House bill—

> The comparative costs given above indicate that the adoption of S. 637 (Calendar No. 144) will increase the cost of the civil service retirement and disability fund to the Government by the difference between 10.82 percent of pay roll and 8.68 percent, or 2.14 percent of pay roll, or $105,324,269 per annum on the basis of the pay roll as of June 30, 1946.

In this actuarial report there is not even a mention made of the House bill. The Senate bill, S. 637, is being discussed. The report does not discuss the Senate bill (S. 637) as we worked on it in the committee. It discusses the bill that was on the calendar, Calendar Na. 144. The bill after it was reported and placed on the calendar would still cost $105,000,000.

We have another actuarial report coming in, which, as we have been told, will show the cost as being zero. The question has been raised as to the bill before us dealing with the retirement fund. I believe if the Senator will think back he will find that at no time have I criticized this bill from the beginning, in that it would grant to permanent employees some benefits in connection with the retirement fund. I think they are deserving of some consideration, especially the older employees who are now off the pay roll, trying to live on a dollar which is devalued today, while they paid into the fund a good 100 percent dollar years ago to build up the fund. I think there is an adjustment due. But, on the other hand, in this bill, in order to make those corrections,

in order to give the employees of the Government, survivorships, the one thing they want most, I cannot see any reason why we should declare a bonus to those who, as I once said, fought the battle of Washington.

The employees who came here knew that the jobs would not be permanent. I do not see why it is necessary, in order to give some of the permanent employees benefits to which they are entitled, to pass a bill which would grant benefits to someone who is about to be discharged. I should like to have the Senator from South Carolina or some other Senator explain the reason for the bill. In liquidating a certain agency it would cost $5,000 more, in some cases, to dismiss an employee than it would cost if he were to resign. Take the Solid Fuels Administration, a typical agency. It has 494 employees. I do not blame the employees for not resigning, if the bill stands a chance of being passed. In that event they could get nearly $1,000,000 more by not resigning. I should like to know why such a provision was placed in the bill which would give an employee dismissed from the service from $3,000 to $5,000 more than he would get if he were to resign, and more than another employee with the same length of service would get if he were to resign.

Take the case of the OPA, which we are closing in June. If one of its employees sees an opportunity to get a job today in private industry and resigns, and another employee who has had the same length of service remains until June 30 and is dismissed, he will get from $3,000 to $5,000 more than the man who resigned. I want to know why such a provision was placed in the bill, if it is not a bonus bill, if we are not trying to cover up a bonus for wartime employees.

Mr. JOHNSTON of South Carolina. This bill does not change the law so far as concerns Government employees who entered the service during the past 5 years. It does not change their status one iota. We continually hear that statement. I should like to have the Senator explain just how the bill would change their status.

Mr. WILLIAMS. Under the law as it now stands, a Government employee with 5 years of service, after he leaves the service, is not entitled to receive the deductions made from his salary during the time he was in the service. Such deductions are retained in the fund. He cannot withdraw them. When he reaches a certain age—62, 65, or whatever the retirement age is—he is entitled to an annuity based upon the contributions which he has made. I am not objecting to that. However, under the terms of this bill, if that employee is dismissed from the service he gets all his money back, and still gets an annuity. Where is the money coming from? It does not cost the Congress anything. Where is it coming from if we are not planning to rob the retirement fund?

Mr. JOHNSTON of South Carolina. So far as that is concerned, 1 percent additional would be paid into the fund. The view of the committee was that an employee who is discharged ought to be in a different status from an employee who resigns from the Government service, after working for a short while, and takes a job in private industry. He should not be permitted to reach back to the Government and say, "I want you to pay my retirement also."

Mr. WILLIAMS. Does the Senator believe that a 1 percent additional contribution would pay the additional cost?

Mr. JOHNSTON of South Carolina. That is the statement which I have made all along. That is what the committee thought. No one knows exactly, but it is believed that a 1-percent additional contribution would approximately cover the additional cost.

Mr. LUCAS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. JOHNSTON of South Carolina. I have concluded.

Mr. WILLIAMS. Mr. President, I should like to make an additional observation. Apparently we are now getting a different understanding of the bill. Evidently it is the plan of the sponsors of the bill to levy an additional tax of 1 percent on the pay roll of all employees for generations to come in order to pension employees who are now leaving the service. In the case of the agency which I mentioned, that would represent a sum of $983,000 additional. On the average, $1,991.05 would be paid to every employee on the pay roll, out of the 1 percent. I wonder how other Government employees, such as postal clerks, who are permanent employees, will feel when they are asked to pay an additional 1 percent for the next 30 or 40 years. How are they going to feel when we use that additional 1 percent to pay those who are now leaving the service? Is that the plan?

Mr. JOHNSTON of South Carolina. Every time we have blanketed employees under civil-service retirement, certain employees have obtained benefits without paying for them. However, the additional benefits provided by the bill will be available to those who are already retired on annuities. If that is wrong, that is what the committee reported.

Mr. WILLIAMS. Mr. President, if we continue to debate the bill, perhaps we shall reach complete agreement. We have already agreed that certain employees were blanketed in. We have agreed that it was not fair to blanket them in; and we now agree that under this bill it is proposed to levy an additional tax of 1 percent on the pay roll to partially care for the cost of this bonus bill. On this basis we shall never be able to liquidate Government agencies until we discharge every employee.

Information with respect to the agency to which I have referred was placed in the RECORD last Thursday. The Senator from South Carolina could very easily have checked it. The headquarters of the agency is in Washington. The agency had 494 employees, and only 11 of them resigned. Those 11 employees might have been in a bracket which would receive certain benefits. The chances are that they were in the service for less than 5 years, so it would not make any material difference whether they remained in the service or not.

If we are to pay a premium of between $3,000 and $5,000 in the case of employees who are dismissed, the only way to get them off the pay roll is to dismiss them. The average payment to the individual employee in the case of the particular agency to which I have referred would be $1,991.05. Using this as a rule, it would cost nearly $2,000,000,000 to remove 1,000,000 employees from the Federal pay roll. That statement has not been contradicted. The agency to which I refer is an average agency since it was formed in the early war years.

I dislike to think that the sponsors of this bill would report a bill in the name of retirement, and encourage the retired employees who now need protection to think that they are going to receive benefits, and encourage other Federal employees to believe that they are to receive certain benefits, when it is all done for the purpose of giving temporary employees a bonus of $2,000,000,000.

CALL OF THE ROLL

Mr. BRIDGES obtained the floor.

Mr. WHITE. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. BRIDGES. I yield.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Myers
Baldwin	Hayden	O'Conor
Ball	Hickenlooper	O'Daniel
Barkley	Hill	O'Mahoney
Brewster	Hoey	Pepper
Bricker	Holland	Reed
Bridges	Ives	Revercomb
Brooks	Jenner	Robertson, Va.
Buck	Johnson, Colo.	Robertson, Wyo
Bushfield	Johnston, S. C.	Russell
Byrd	Kem	Saltonstall
Cain	Kilgore	Smith
Capehart	Knowland	Sparkman
Capper	Langer	Stewart
Chavez	Lodge	Taft
Connally	Lucas	Taylor
Cooper	McCarran	Thomas, Okla.
Cordon	McCarthy	Thye
Downey	McClellan	Tobey
Dworshak	McFarland	Tydings
Eastland	McGrath	Umstead
Ecton	McKellar	Vandenberg
Ellender	McMahon	Watkins
Ferguson	Malone	Wherry
Flanders	Martin	White
George	Millikin	Wiley
Green	Moore	Williams
Gurney	Morse	Wilson
Hatch	Murray	Young

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

ORGANIZED ACTIVITY AGAINST PENDING LABOR LEGISLATION

Mr. KNOWLAND. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield to the Senator from California.

Mr. KNOWLAND. Mr. President, we have all received quite a number of communications relative to the labor bill which is now pending before the Congress and which very soon will go to the President of the United States for his approval. I have a letter in my hand which I think was not meant to get into my hands, but I think it is of interest to the Senate and I desire to read it into the RECORD at this time. It is addressed "To All A. F. of L. Unions and Councils,"

and dated May 16, 1947. It reads as follows:

Within the next few days a joint conference of the United States Senate and Congress will draft an antilabor bill, based upon the Taft and Hartley legislation. This bill undoubtedly will be adopted by both Houses. We have every reason to believe President Truman will veto the bill; however, from present indications, the Congress will pass the bill over the President's veto by an overwhelming majority.

In the Senate we are informed that the A. F. of L. needs the support of 7 more Senators to block the passage of the bill over a veto. Senator KNOWLAND is one of the Senators needed. It is essential that a sufficient number of telegrams, letters, and telephone calls be made to Senator KNOWLAND in an attempt to influence him to refuse to override the veto. Thousands of letters from business men are arriving daily, requesting the adoption of this antilabor legislation. However, communications and contacts from members are very light. The united A. F. or L. is, therefore, requesting each union to have each officer, executive board member, and business agent take it upon himself to get 5 persons to wire, write or telephone Senator KNOWLAND within the next week, requesting him to vote against passage over a veto.

In Los Angeles County, A. F. of L. unions have over 5,000 members who are officers in the above capacities. If each of these officers got 5 persons to respond, Senator KNOWLAND will have received word from at least 25,000 citizens. If each officer leaves it to the others, Senator KNOWLAND will receive no correspondence. This is a program that must be carried out. It is a last-ditch attempt to avoid sabotage of the free trade-union movement. Please act immediately.

We will appreciate copies of letters or telegrams sent, or a reply from each officer when he has accomplished the above outlined task.

Sincerely and fraternally,

W. J. BASSETT,
Executive Secretary.

Address Senator KNOWLAND, Senate Office Building, room 355, Washington, D. C. Telephone, Washington, D. C., National 3120, extension 183.

Mr. President, the sequel to that form of pressure activity is a letter which I received from a member of one of the unions in southern California. For obvious reasons, I am not going to read the name of the gentleman who sent me the letter, but he has signed his letter, and it is in his own handwriting. The letter is addressed to Senator WILLIAM F. KNOWLAND, Washington, D. C., and it is dated May 26. It reads as follows:

DEAR SENATOR KNOWLAND: This is to inform you that a form letter which I wrote you today from Hollywood is a form letter written by myself and hundreds of others under duress whereby we were threatened that unless we would write this letter, local No. 468, of which Joe Singleton is office manager, would not issue work orders to those who would not conform.

Thank you, sincerely.

And then the name is signed.

He adds a postscript, as follows:

P. S.—Let's stop this dictatorship, and keep our United States a good place to be able to work and make a decent living.

Then, Mr. President, a day later I received the following communication:

DEAR SENATOR: I am enclosing a circular put out by the Newspaper Guild of Los Angeles which may be of interest to you. Several of my friends, who are members of the guild, have told me that they are in favor of the Taft-Hartley bill, but don't dare write you for fear of reprisals. After having witnessed some of the "legal" union activity around here recently, I can see their point of view.

I feel sure that you are doing all that you can to solve this problem in an adequate and rational manner. When good Americans do not dare to freely express their political convictions, then the situation certainly calls for remedial action.

Mr. President, at this point in the RECORD, I ask unanimous consent to have printed the letter going from the Los Angeles Newspaper Guild to its members.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOW THE TAFT-HARTLEY LABOR BILL WOULD AFFECT THE GUILD

Make illegal "coercing" anyone to join. This "coercion" could be interpreted so drastically as to prevent all organizing.

Bans the closed shop, seriously curtails the union shop (we call it the guild shop).

Would prohibit all supervisory employees from belonging to guild. This would include any employee who supervises the work of one or more people. It might affect hundreds in LANG.

Would wreck the NLRB by emasculating the Board's powers, dividing its responsibility.

Would prohibit industry-wide bargaining. While this seems harmless as far as the guild is concerned, the provisions in this are so embracing as to forbid the American Newspaper Guild from even giving the Los Angeles local wage information at it applies to other bargaining on papers throughout the country.

Obviously these, and other restrictions of the bill would at once endanger the wages and working conditions of all guildsmen. For some guildsmen it would bring an end to membership, hence an end to guild job protection, severance-pay rights, etc.

What to do:

Write at once to President Truman asking him to veto the bill.

Write at once to Senator WILLIAM KNOWLAND and Senator SHERIDAN DOWNEY to sustain Truman's veto—if he vetoes the bill.

Do it now.

It's costing money to fight this labor bill. A collection will be made next week at LANG plants. If guildsmen will contribute 50 cents, thus spreading the cost pretty thin for a vitally needed job, we will meet our quota. Issued by LANG political action department.

THE STEEL INQUIRY

Mr. WHERRY. Mr. President, I hold in my hand an editorial entitled "Get the Full Facts on Steel Racket," published in the Philadelphia Inquirer for May 25, 1947. The editorial commends in the most flattering and, I would say, the highest terms the work of the Senate subcommittee which is now and for nearly a month has been investigating the situation in the steel industry. I refer to the subcommittee composed of the Senator from Pennsylvania [Mr. MARTIN], the Senator from Washington [Mr. CAIN], the Senator from New York [Mr. IVES], the Senator from Florida [Mr. HOLLAND], and the Senator from Louisiana [Mr. ELLENDER]. I ask unanimous consent that the editorial be printed in full at this point in the RECORD, as a part of my remarks. I think it will be of interest to all Members of the Senate as showing the work the subcommittee is doing and as indicating how this particular newspaper, which I believe is representative of many other newspapers, feels about the work of this subcommittee of the Small Business Committee, which is doing such an admirable job in inquiring about the situation relative to steel.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GET THE FULL FACTS ON STEEL RACKET

Shaping up as one of the most gigantic rackets yet uncovered in this country is the so-called gray market in steel now the subject of investigation by a United States Senate subcommittee headed by Senator EDWARD MARTIN, of Pennsylvania.

Mr. MARTIN is not the kind who starts something without carrying it to completion, and we may be sure that his committee will not end its inquiry until every pertinent fact has been produced.

These are big-money operations, under-the-counter deals with fantastic profits involved. Senator MARTIN's group is evidently on the trail of something that will make the racketeering of the prohibition era seem small-time. With only a few days' testimony and with many witnesses still to be called and masses of evidence to be presented, the record is already replete with charges of price rigging carried to extravagant heights, of thousands of dollars paid out for undelivered products, of intimidation and threats.

Starting point of the whole gray market enterprise, of course, is the continued scarcity in sheet steel, a basic product in industry. There has not been sufficient steel to supply industry's needs. The result has been stiff competition to obtain as much of the available steel as possible, with price no object.

We have seen the same thing happening in the case of other scarce commodities in the war and postwar years. Whenever anything is in short supply, whether it be automobiles, nylon stockings, washing machines, or building materials, there is always someone who manages to obtain the wanted products and someone else who is eager to buy them at exorbitant prices.

The ordinary consumer, naturally, is victimized by such operations. If he is unwilling to compete on a straight price basis, he simply does not obtain the goods.

We have had an unsavory example of this kind of business recently in the sale of new automobiles at from $500 to $1,000 above the manufacturers' retail price.

The racket in steel which Senator MARTIN's committee is exposing is on the same order as these other operations, except that more money is evidently involved and even shadier deals are indicated.

Sheet steel ordinary sells at around $80 a ton. When it is realized that prices up to $240 a ton have been quoted on the gray market, the enormous profits open to those who can obtain any substantial amount of the product are evident.

A Pittsburgh steel broker, E. A. Kerschbaumer, has told the Martin subcommittee that he lost $63,000 in an attempt to work out a steel deal that was not consummated. In the course of the transactions, he testified, "a couple of gunmen" appeared in his hotel room and threatened him.

The broker, according to his testimony, had ample credit for his middleman operations and customers ready to pay high prices for steel. He stated that a Detroit man offered him 300,000 tons of steel at $147 a ton.

His counsel testified that Kerschbaumer had been told by a New York lawyer that he could have 148,000 tons of steel if he would pay an "override" of $62.50 a ton over and above the market price.

These allegations will, of course, be investigated by the Senate group, along with other details of this widespread price kiting. Only the surface has been scratched thus far. The

subcommittee should be given every facility and assistance necessary for an exhaustive investigation.

Steel is big business. Everything affecting it affects American industry and American living. Racketeering in steel is a blow at American production. Senator MARTIN and his fellow investigators are performing a tremendous service in relentlessly exposing these shady operations.

TREATY OF PEACE WITH ITALY

The Senate, as in Committee of the Whole, resumed the consideration of Executive F (80th Cong., 1st sess.), the treaty of peace with Italy, signed at Paris on February 10, 1947.

Mr. BRIDGES. Mr. President, twice in three decades it is given to us to try to rebuild a war-torn world, upon which mankind has visited ruthless destruction, unprecedented displacement of populations, and catastrophic confusion. Never have the wellsprings of hatred been more deeply drained, nor the dregs of despair more bitterly tasted. We live amidst world doubt, world confusion, and world revolution, in which hunger, want, and suffering stalk this unhappy globe. Doubt assails countless millions on every hand, and they look to us as almost the only source of hope for a brighter, peaceful world.

We are learning now that peace depends largely upon what efforts we devote to it. To have peace, we must build for peace and must encourage others to share the construction. Otherwise, we cannot escape a third World War, with havoc and destruction of incomprehensible magnitude. Indeed, it is not impossible that civilization as we now know it might be ended. It is with these sobering thoughts that I believe we should approach the question of ratification of the Italian Treaty of Peace.

Recently, in increasing strength and number, thoughtful citizens have come to criticize this Italian Peace Treaty in the severest terms. One columnist has said:

> I would be against the Italian treaty, even if there were a democratic and humane regime in Yugoslavia, because the treaty is unjust, stupid, cruel, dangerous, and in violation of our solemn promises.

Another has remarked that the treaty is "unjust, iniquitous, and vengeful." These are only two samples of a host of accusers who hold that the treaty is not only a violation of American ideals, promises, and democratic aims, but a serious threat to our political and social institutions and to our economic and international aims. They fear that by subscribing to the terms proposed, we shall make it easy for communism and Russia to seize control of Italy, while we are simultaneously opposing them elsewhere. They point out that the economic provisions contradict American interests, and are a sure guaranty that Italy will not recover, and, consequently, that Europe and the world will also fail to recover.

The treaty which we are now called upon to ratify can be, and has been construed, and correctly so—as a violation of our promises. Time and time again, Franklin D. Roosevelt and Winston Churchill, war leaders of two of the great Allied nations, promised the Italians just terms if they would turn out Mussolini and his brood. On June 4, 1944, after the fall of Rome, President Roosevelt said:

> The Italians, too, foreswearing a partnership in the Axis which they have never desired, have sent their troops to join us in our battles against the German trespassers on their soil.

In the following October he said:

> To the people of Italy we have pledged our help, and we will keep the faith.

Mr. President, how does this treaty propose to keep the faith? Does it keep the faith by stripping Italy of naval units we gave her reason to believe she could retain, and turning them over to Russia? Does it keep the faith by reducing Italy to a third-rate power? Does it keep the faith by placing Italy under the domination of a ruthless Yugoslavia? Surely, if it was wrong for a dictatorial totalitarian Italy to rule the Yugoslav part of the Adriatic, it is no less wrong for a dictatorial totalitarian Yugoslavia to rule the Italian part of the same sea. The treaty further strips Italy of land which we ourselves agreed she had a right to hold after the First World War. It is hard to visualize a treaty more severe than that which is before us.

I ask, Mr. President, is this the way the United States now would keep the faith? Does our word mean one thing when we are in battle, and another when we have won? One of the distinctions between our country and totalitarian states has been that man can rely on the American word. I, for one United States Senator, am proud of that distinction. One of the distinctions of which I am proud is the keeping of the faith, and I do not want to see it violated by the ratification of the pending Italian treaty.

This treaty runs counter to some of the basic principles for which we fought in both World Wars. It violates the Atlantic Charter; it strengthens totalitarianism; and it would leave Italy wide open to a totalitarianism as obnoxious as that which we fought from 1942 to 1945. Where is self-determination in Tenda-Briga, or freedom in Venezia Giulia, or freedom from want and fear for the 180,000 Italians in Yugoslavia? This treaty would fasten these unhappy conditions on the world.

Still another reason why the treaty should not be ratified is that its economic provisions run counter to world interests and will prevent economic recovery. While the United States and Great Britain, because of the economic weakness of Italy, agreed to forego their reparations, Russia and her satellite states insisted upon maintaining their reparation claims. Over and above what has been taken from Italy, she is now to be forced to pay $360,000,000—$125,000,000 to Yugoslavia, $100,000,000 to Russia, $5,000,000 to Albania; that is a total of $210,000,000 to Russia and her satellites, and, in addition, $25,000,000 to Ethiopia and $105,000,000 to Greece. Of course, Russia is taking out her share in productive guaranties, but it all amounts to the same thing—Italy must pay. But the most fantastic part of the business is that the original claims for damages against Italy ran back to September 1939, long before she entered the war. In short, in the space of 7 years Italy is to pay $360,000,000, which she does not have. These shall consist of money payments, a share of the Italian factory and tool equipment, current industrial production, and capital goods and services, all of which Italy needs if she is to recover economically.

Mr. President, permit me to remind you that at the time of the signing of the treaty Premier de Gasperi obtained a credit of $100,000,000 from the United States. This Italy needed to keep going. Now, in the truncated condition which this treaty proposes to impose upon her, it is unreasonable to expect that Italy can live a self-supporting existence. The drastic economic penalties of the treaty will force her into economic dependence upon other countries.

Can there be any question which way she would turn for economic help and who would be asked to foot the bill? There is only one major creditor state in the world. There is only one country with substantial supplies of money. That is our country, the United States of America. Britain cannot help, nor can France, nor Russia, nor any other country. Every major power, with the exception of ourselves, is asking for funds. So Italy, poor Italy, harassed by high food prices, beset by economic unrest, and seething with political difficulties, must look to the United States for help. Thus, if we ratify the treaty and then help Italy, in the interest of world recovery, the United States will pour in dollars at one end of the Italian funnel, while Russia and her satellites will drain off those dollars in the form of reparations at the other end. In any case, the American taxpayer will foot the bill.

Any money the United States may lend should be with at least a reasonable chance that the recipient shall benefit by it. But this treaty could in effect make the United States pay Russia and Yugoslavia indirect tribute in the form of Italian reparations.

But these are not the only economic provisions which are unsound. Take, for instance, the areas ceded to France. They may possess some strategic value for France, but Sumner Welles, a former acting Secretary of State, has said their cession "violates every principle upon which a durable peace should be founded." They are purely Italian, and they include some of the finest hydroelectric producing sections in all of Europe—the Mount Cenis plateau, the districts of Tenda and Briga, and the village of Olivetta de San Michele in the lower Roya Valley. In Tenda and Briga, France acquires control of power plants which will sell electricity to Italians across the border on Italian soil. Not only is Italy to be continued in a condition in which she lacks raw materials, but her white coal, which she built before the war upon Italian soil, with Italian money, is to be taken from her, and the control of the areas in which it is located is to be placed in the hands of an alien power. Not only will this

mean the loss of electrical power, but if any of the dams should break, they will do so on the French side, while the area inundated will be Italian.

These illustrations will show why I believe that the treaty is unsound economically, and therefore almost bound to lead to a disaster in which it is doubtful we could escape being involved. Perhaps Italy could overcome one economic restriction or difficulty, but there can be little question that the total economic blow delivered by the treaty would have such a damaging effect that the United States eventually would have to come to the financial aid of the Italian people. Without attempting levity, may I point out that this is hardly the type of commitment which an economy-minded Congress should undertake.

Still another fundamental weakness of the treaty is that it creates unnecessary danger spots. Three in particular are bound to plague the world in the future: Trieste, Tripolitania, and Cyrenaica. I am reluctant to take up your time with a discussion of all of these. Let one, the worst one, Trieste, suffice. We propose to become a party to the internationalization of that city. Nowhere in connection with this proposal does one hear of what happened to Danzig, or to the Kiel Canal, or to Memel, or to Catalonia, or to the Danube, or to the Rhine, or to the Oder, to mention only a few of the unsuccessful experiences with international government and control. Rarely does internationalization succeed.

But we need not look to these earlier experiences with internationalization to know that the treaty arrangement for Trieste will fail. It has already failed. The struggle has already begun; in fact, it is in full swing now, and it is a losing fight by the Italians to retain the control of the city; and a gradual acquisition of control by the Yugoslavs, supported by Russia, seems unavoidable. Slowly, but surely, Italy, where the idea of unredeemed lands began, is losing Trieste. Can anyone doubt what Italy will do some years hence, if the opportunity presents itself? And, by the way, what are the Yugoslavs doing about the ports which they acquired from Italy—Fiume, or Zara, for example? It is my understanding that Trieste is rapidly becoming the sole center of the Yugoslav Adriatic trade. Can anyone question the economic significance of the creation of this new irridenta?

We should not underestimate the significance of this fact, because the port of Trieste is the natural outlet of trade for all of Central Europe. Fifty-eight percent of Austria-Hungary's trade went through that port prior to 1914, and only 16 percent of its trade was carried on along the eastern borders. Time will not permit a detailed examination or discussion of the railway lines and traffic routes to the Adriatic ports. But Trieste has great natural transportation advantages. Suffice it to say that the treaty arrangement with regard to Trieste makes no contribution to world peace, but promises, rather, to create a festering sore in southern Europe. Most impartial people, who know the area, would join Sumner Welles in saying:

> Trieste is, indisputedly—from every standpoint of right, of justice, and of principle—an Italian city. If the plan for the creation of a Free Territory of Trieste is carried out, it means protracted Italian resentment and unrest, long years of persistent propaganda and of bitter friction between Italians and Yugoslavs, and ever-increasing Soviet pressure within the area placed under international control. The experience of the past 27 years has shown conclusively that such schemes as this do not make for peace, but only make for future trouble. By this so-called compromise Mr. Molotov has secured precisely what he started out to get. Such a peace treaty will neither bring stability to Italy nor peace to Europe.

Let us look at still another difficulty. The treaty is inconsistent with the measures we have recently taken to try to stop the spread of communism. We are bolstering the Greek and Turkish Governments with military and financial aid. But this treaty would tear down one of the strongest bulwarks against communism and Soviet influence in Europe. Even in her present despondency Italy fights communism. Even the helplessness of Francesco Nitti, when it was a question of forming a new Cabinet, did not bring communism to Italy. Togliatti rants, and the Communists play their obstructionist games, but thus far they have failed.

And now we propose to make Italy a vassal of Soviet Russia and her satellites, with a reparations burden of $360,000,000, and the pledging of her industrial capacity to the extent of $100,000,000. And there stands Yugoslavia raised to the rank of at least a second rate power with Red support, with an army of 750,000 men, equipped in part with UNRRA funds, of which the taxpayers of this country paid a substantial part. Yugoslavia is to be the master of the Adriatic—Yugoslavia, the dictator-ruled country, with which we have had more than one diplomatic difficulty. I agree with Dorothy Thompson when she says:

> Why must we aid and defend Greece against the same regime to which we open Italy? Is it because the Government of Greece is more democratic than that of today's Italy? If we approve this treaty, there will not long be a government either democratic or friendly to us in Italy. The harsh terms of the Italian treaty is no way to stop communism.

I say we should at least try to be consistent.

The most comprehensive, powerful, and pressing reason for not ratifying the treaty is that it plays directly into the hands of Soviet Russia. The Italian treaty in the broadest sense does not dispose of troublesome European questions. Its implications are extensive. Whether we like it or not, the United States is now one of the principals in the most momentous struggle of all time. Let there be no mistake about its nature. The intentions of Russia in that struggle have been frequently made abundantly clear. Nowhere have they been made clearer than in the thinly veiled terms delivered by Andrei Gromyko before the American-Russian Institute in New York City on May 19. Here are a few of Gromyko's words:

> Who knows, the time may come when the country [the United States], at present occupying a more favorable position in this respect than other nations, will find itself in the same, or maybe even in a less favorable, position in comparison with other states in the field of the development and perfection of certain dangerous kinds of weapons, if such weapons are not prohibited.
>
> The tendency to secure this monopoly for one country inevitably causes rivalry among nations in this field.

Gromyko was speaking of the atomic bomb. He voiced what the Russians have always asked for ever since 1917, the elimination of armaments. But can anyone be blamed for skepticism about this repeated Russian thesis, this political window dressing, when one recalls how it was used at Geneva before the Second World War, with a full knowledge it could not be respected, or if one recalls the Russian aggressive acts against the Baltic States?

Is there anyone so naive that he cannot read the message in Gromyko's fateful words? It is Russia's attitude that an armament race is on between the United States and the U. S. S. R., in which Russia is being assisted by thousands of German scientists and technicians who have been lured or forced to work in Russia on atomic and scientific weapons. Gromyko hints that Russia is about to catch up with us, and perhaps pass us, in that race. We can honestly and sincerely deny that we are engaged in such a race, but we would be blind indeed were we deliberately to weaken our position abroad. Yet the Italian treaty would do just that. The treaty promises to keep Italy in subservience, in a constant condition of turmoil, until the Russian-dominated Communists under Togliatti gain control of the land.

It took the bloodiest and most devastating war in all history to show that Hitler and Mussolini were not bluffing. We cannot afford to beguile ourselves with the thought that Russia's totalitarian leaders are now bluffing. To do so is to invite another, and perhaps an irretrievable, Pearl Harbor.

One more reason why the treaty should not be ratified, is that it will create a disturbed condition in the Mediterranean, and thus leave the door wide open to conflict in the future. Setting aside for the moment the difficult problem of Palestine, the disturbed conditions in Lebanon and Syria, and the inability of Egypt and Britain to come to terms over the Sudan, we are faced today with Britain withdrawing her troops from the eastern Mediterranean and the Near East, and basing them in Africa. The reason, we are told, is that Britain wishes to reach an understanding over that section of the world with Soviet Russia, which she apparently cannot achieve as long as her troops remain. Does this not show how disturbed and how fluid are the conditions in that troubled sea?

We need a strong and democratic Italy for a stable Mediterranean. Britain now confesses that she is overextend-

ed in relation to her power. The weakness of France, beset by domestic and colonial troubles, and the weakness of Italy, make Britain today the only important power in the Mediterranean Sea. But how tenuous is her power? Her control is beset by Franco's Spain, the Arab nationalists, the Palestine question, the constant threat of Russia, the limitation of British funds, to mention only a few.

These are only a few of the objections to ratification of the treaty at this time. There are many others, such as the unfortunate transfer to Yugoslavia of the ownership of the water supply of Italian Gorizia and its vicinity; the weakening of Italian military and naval power to the point where Italy becomes an invitation to aggression; the changed frontier at Mount Tabor and Little St. Bernard Pass; the flat contradiction between the fine spirit of the preamble and the cynicism of the instrument as a whole as reflected in its despoiling clauses. These objections do not conclude the list but they will help to show how unsound the treaty is.

There has been some talk about the need for speed so that Italy may recover. But how can any country recover under such terms? I am sure that no harm will be done by delay; certainly no more than is caused by delay on the main treaty, the one with Germany, which has not yet been framed, or on the one with Austria, against which Russia has set herself. I would rather have no treaty at all than an unjust, short-sighted instrument, which places my country's welfare in the hands of a totalitarian power, which has shown itself callous of human life, blind to freedom, and intolerantly self-seeking. I am convinced that the Italian Treaty is an invitation to war.

Permit me to impose upon the Senate's patience to present one further sobering thought. To the centuries of strife and struggle on the continent of Europe have now been added the destruction and inhuman persecution of the last three decades. Whole peoples have been uprooted by the millions and transported from place to place. Families have been divided and warring forces have destroyed people before the very eyes of their loved ones. The horrors of the concentration camps, the shifting of displaced people, the killing of hostages in ideological frenzies, have added their bit to the storm of sadism and human torture which has seen no equal in the annals of history. And after this, how can long-standing differences of language, religion, and race among these people fail to color and prejudice their views of one another? It is for us who are more fortunately placed to view world affairs impartially and fairly. Our land is intact. God has been kind to us. Without deliberately planning it we have become the most powerful, the most wealthy state in the world. It is true that gives us no special claim to dictate our views and wishes. But equally true it is that we are the hope of millions in the world. We are the only power which can honestly command the confidence of the world for impartiality and fair dealing. In direct proportion to the way in which we command that confidence we shall grow and be great at home and in the world. Our action upon the Italian peace treaty will be a major test of that confidence.

Mr. WHERRY. Mr. President, before addressing myself to the very great questions which arise in my mind in connection with the Italian peace treaty which is now pending I desire to recall briefly two of the statements made on the Senate floor yesterday by the distinguished chairman of the Foreign Relations Committee, the Senator from Michigan [Mr. VANDENBERG]. At the outset of his speech the Senator from Michigan stated very fairly that in the negotiation of international treaties the Executive responsibility is only a primary one, and that the final responsibility lies with the Senate.

I subscribe in toto to that statement. In answer to some remarks which have been made to the effect that we should ratify the treaty because commitments have been made, I should like to say to the Senate that no valid commitment is made in the treaty or in any of its provisions until the Senate of the United States ratifies it. That is a constitutional requirement. When the treaty is ratified, then we have made commitments. It is the function of the Executive, of course, to negotiate treaties. That is his prerogative. It is the duty of the Executive to negotiate treaties and submit them to the Senate for ratification, but certainly no one should stand on the floor of the Senate and say that because this person or that person has agreed to the provisions of the pending treaty, whether that person be in the executive department or in the United Nations organization, such person has done anything more than an administrative act. It is my position that commitments made by the Executive do not become valid until the Senate of the United States by a two-thirds vote ratifies the provisions of the treaty. At least that is the way I feel about the matter.

In the concluding moments of his able address, and it was an able address, the senior Senator from Michigan again spoke with fairness and with accuracy when he stated that the votes to be cast on this treaty should be predicated upon each Senator's complete and total right of independent judgment. I appreciate his making that statement, because it is in that sense, and in that spirit, that I approach the decision I am to make on my responsibility with respect to ratification of the treaty. Certainly Senators owe it not only to their States but to the people of the United States of America to use their own independent judgment. So with the admonition and advice and judgment of the distinguished Senator from Michigan I again totally agree. I also agree with the distinguished Senator from Texas [Mr. CONNALLY] who time and again on the Senate floor in respect to ratification of treaties has also made similar remarks, with which I agree.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CONNALLY. I heartily agree with the Senator as to the functions of the Senate. I heartily agree with his statement that every Senator ought to vote his own honest convictions upon treaties, and upon everything else, for that matter.

Mr. WHERRY. I thank the distinguished Senator for his remarks.

Mr. President, yesterday we heard the very forceful and lucid report of the distinguished Senator from Michigan urging ratification of the admittedly unsatisfactory European peace treaties now pending before this body. We shall soon be asked to vote on those treaties and to declare the will of the American people with respect to peace settlements, determining the future of nearly 100,000,000 people involved in the treaties with Italy, Hungary, Rumania, and Bulgaria.

I feel that the able chairman of the Foreign Relations Committee is correct in saying that of all these settlements, the Italian Treaty is clearly the issue. I agree; not so much, as he stated, because scores of Americans have voiced their disagreement with the proposed Italian Treaty, but more because, as I see it, Italy is the only one of the former satellite nations in strategic Europe with respect to which we can still entertain great hopes for maintaining a friendly nation looking westward, not eastward.

Barring catastrophic events, we are forced to realize that the other nations whose treaties we are now considering are today all Russian satellites. All of the distinguished gentlemen who represented the United States at the various peace conferences, here and abroad, frankly admit that the controversial Italian Treaty is a child born of compromise. In studying the treaty with a nation so important to our vital interests in the Mediterranean, it becomes regretfully manifest that the final compromises conceded far more to Soviet Foreign Minister Molotov than to our former Secretary of State, Mr. Byrnes.

To forget that Italy was an enemy state is just as foolish as to forget that the Italian people threw out their Fascist rulers and voluntarily joined us in an uphill battle toward a common victory. But the greatest folly of all would be to blind ourselves to the crucial fact that a free Italian people is necessary to our own security. Small nations such as Italy must, in today's unsettled world, seek shelter under the protection of their strong friends. That is what is happening in Europe. The present De Gasperi government is friendly toward us; but how long that government can last is doubtful if we complacently ratify this harsh and outmoded treaty favoring Russia at Italy's expense.

The distinguished Senator from Michigan urges us to ratify this treaty because "a bird in the hand is worth two in the bush"; but I ask those who may consider ratifying the Italian Treaty as a fulfillment of our best interests. In whose hands does ratification place this precious bird? In our hands? In the hands of the world's peace-loving nations? In the hands of the Italian people?—or, on the basis of the valuable

concessions to Russia, in the hands of the Russians?

Mr. President, the record of the hearings before the Foreign Relations Committee reveals that of all the outside witnesses—and when I say "outside witnesses" I mean witnesses other than those from the State Department or other Government agencies, who, of course, testified for the treaty—only one favored it. This testimony favoring ratification came from a spokesman for an Italian Communist organization in New York which publishes a pro-communist newspaper. The War Department, on complaint from Representative DONDERO, of Michigan, recently cancelled its advertising contract with this newspaper, L'Unita Del Popolo, because it was alleged to be conducted along Communist Party lines. At this point I should like to read into the RECORD a letter signed by Robert P. Patterson, Secretary of War, relative to this particular newspaper, the representative of which was the only outside witness who testified in behalf of ratification of the treaty. The letter reads as follows:

APRIL 7, 1947.

Hon. GEORGE A. DONDERO,
House of Representatives,
Washington, D. C.

DEAR MR. DONDERO: A few days ago you directed attention to the fact that the War Department was running recruiting advertisements in the L'Unita Del Popolo, a newspaper in New York City alleged to be conducted along Communist Party lines.

I find that your information was correct. The advertisements were placed in this paper without knowledge of its character.

Action has been taken to eliminate this newspaper from further advertisement in the program for Army recruits. Meanwhile, an inquiry is being conducted to see whether there are other newspapers in the same category in which advertising for the War Department is being placed.

Thanking you for your cooperation, I am,
Sincerely yours,

ROBERT P. PATTERSON,
Secretary of War.

In addition, I have before me a copy of the newspaper published in Rome by the Italian Communist leader, Palmiro Togliatti. He exhorts his Marxist colleagues, in large headlines on page 1, "Urge your Senator to ratify the treaty." The words are in Italian. I suppose they could not be printed in the RECORD; but I want Senators to know that I have a copy of the newspaper before me. The article has been translated for me by an Italian. The words "Urge your Senator to ratify the treaty" are enclosed in a circle.

It cannot be made plainer to any of us that communism in Italy has much to gain by our ratification of the treaty. Such action on our part will strike down the newly born democracy in the Italy of today.

In weighing our decision on the crucial question of the Italian treaty, I view it as our obligation to the American people to act in accordance with our best interests abroad. I view this question especially in the light of the recent Communist usurpation of government in Hungary. It is vital, as the distinguished Senator from Michigan pointed out, to ask ourselves, If a similar theft of government should occur in strategic Italy within the next few months, what would happen to our $400,000,000 program to aid Greece and Turkey and stop the growth of communism in the Mediterranean area? As my distinguished colleague from Michigan has put it, "We alone shall bear the responsibility."

Within the scope of American interests in the Mediterranean, let us briefly review the outstanding injustices of the Italian treaty as presented to us. Compelling the Italian people to pay out $365,000,000 in reparations while we at the other end, through gifts and loans, will be required to give them millions in rehabilitation credits, simply does not make sense to me. For at least indirectly we will be underwriting Italian reparations. I can draw no other conclusion.

Certainly we know by this time that Russia alone will effectively set the full cost of reparations the Italian people will have to pay. Under the terms of the pending treaty, Russia supplies raw materials to Italy for processing. These materials are charged at a certain price. The finished product which Italy delivers to Soviet Government monopoly is likewise charged at a certain price. The difference between the cost to Italy of the raw material and the credit to Italy of the finished product goes to liquidate the reparations penalties.

In theory that should work out fairly enough; the distinguished Senator from Michigan feels that it should; but the pretense that the prices either for raw materials or finished products will be fairly agreed upon by Italy and the Soviet Union is merely self-delusion. The whole record of Russia in Europe and in Asia since VJ-day is testimony to the contrary.

I contend that our proper objective should be to restore American trade with a democratic Italy, which will help Italy to help herself, and not to underwrite an extension of Soviet slave economy, by turning over Italian production of manufactured goods to Russian satellites for the next decade.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. WHERRY. I am happy to yield to the Senator from Mississippi.

Mr. EASTLAND. When the Senator speaks of the raw materials which Italy is to receive from Russia and process, under the reparations clauses, does he not have in mind that that will tie the Italian economy to Russia and make her subservient to Russia?

Mr. WHERRY. I cannot see any other answer. The only thing we have been told is that it does not amount to anything. It is only $15,000,000 a year for approximately 7 years. If we consider the record of Russia, as indicated in the statement just made, all the evidence is to the contrary. I want to tell the Senate that while an appeal to the four Ambassadors is provided, yet if Russia uses her veto power our reliance on such an appeal will amount to nothing. If we sign this treaty we shall have absolutely mortgaged the labor of Italy and have mortgaged sufficient coal and power to cover the stipulated amount of reparations. It is my opinion that there will be priorities and that Russia will insist upon delivery regardless of what Italy can produce for herself or for export abroad to help rehabilitate her own economy. Show me a record that is different since VJ-day, so far as Russia is concerned. Show me a record which can be interpreted any differently. I cannot find one. I am not making that statement with any ulterior motive or with any animosity toward Russia. I suppose Russia feels that Italy owes her reparations.

When I was in Europe last summer and inquired about food, which the Russians said they would not divert to the Army, I was told, "Of course, we keep the supply of food produced in this territory. Why should we not do so?" They feel they have a right to do so, because the enemy countries invaded Russia and pursued a "scorched-earth" policy. But I think that Italy is in a different category, because she abandoned the war against us and fought with us on representations made that she would be treated fairly if she helped us prosecute the war.

Mr. EASTLAND. Mr. President, will the Senator yield further?

Mr. WHERRY. I yield.

Mr. EASTLAND. The argument is made that the ratification of this treaty will speed the rehabilitation of Italy. I think the Senator will agree that the ratification will retard the rehabilitation of Italy, for the reason that the treaty gives her hydroelectric production to Yugoslavia and turns over her coal resources to Yugoslavia.

The figures from the State Department indicate that Italy produces 1,370,000 metric tons of coal annually, 90 percent of it which is given by the treaty to the bandit, Tito. Italy imports normally 13,000,000 tons of coal. Of that there comes from Germany 7,600,000 tons. Germany cannot, of course, ship coal to Italy today because coal is not being produced in the Ruhr. Great Britain normally ships to Italy 2,200,000 tons of coal. Every one knows there is a coal shortage in England and she cannot supply coal at this time. From Poland, Italy receives normally 1,500,000 tons of coal and from other countries 1,600,000 tons. If we ratify the treaty Italy's coal production and hydroelectric power production will go to Yugoslavia and she cannot receive from other countries the coal supplies which she has historically received. That being true, the ratification of the treaty, taking those resources from her, will postpone her economic rehabilitation and, further, lay her open to Communist infiltration.

Mr. WHERRY. I thank the distinguished Senator from Mississippi for his observation. I would go even further than the Senator from Mississippi has gone, and say that it is very doubtful that Italy can buy enough raw materials, in view of the reparations demands, to produce the products she needs to export in order to rehabilitate her own economy. I think the outlook would be very discouraging. Russia has priority and a mortgage. We might as well make up our minds now that it is not only a question of fuel; Italy will have to have food. Where will Italy get the food, and what can she pay for it? If we ratify the treaty the United States, through its generosity, will have to supply the food that will help

labor to produce the materials to be sent to Russia as reparations. It seems to me, that would discourage the rehabilitation of the economy of the Italian people.

Mr. EASTLAND. Mr. President, will the Senator yield further?

Mr. WHERRY. Yes. I shall be glad to yield.

Mr. EASTLAND. I think this treaty is a great victory for Russian foreign policy, and as a result within two or three years, at the longest, there will be a communistic government in Italy.

Mr. WHERRY. I thank the Senator for his contribution to the discussion.

Mr. President, the State Department's announced objective—and it should certainly be considered and respected—is to restore peaceful conditions in Italy. With that we all can agree. Why? So that trade can be resumed between the United States and Italy for mutual benefit. As a part of this process further aid to Italy is right now being discussed—I refer to the so-called Lombardo Mission to Washington—so that foods may be produced in greater quantity there, raising the Italian standard of living and promoting a greater exchange of products. In the American view—the historic American view—this is one step toward a full and democratic life. It is one of the material bases of such a life. But this treaty does not promote such an objective. On the contrary, it very plainly condemns the economy of Italy to an indeterminate and undeterminable sentence. There is no safeguard in this treaty to prevent Russia from flooding the factories and workshops of Italy with raw materials, priced very high by Russia—or Russia's henchman, Tito—to be processed and shipped back at very low prices for the finished goods to Russia or to Yugoslavia.

Furthermore, under this treaty Russia can demand priorities for processing any raw materials it wants. The fact that Italy can appeal these demands to the four Ambassadors is relatively unimportant. No long-term private contracts would be safe under this arrangement from Soviet interference and uncertainty, and, therefore, they could not be made. That is the answer I have to that.

It is plain folly to overlook or to be silent about—as some persons are on this subject—the fact that we are dealing in this matter with a power whose basic intention is to destroy our system of business, that is, our system of production and exchange of goods, by bankrupting Italy. Under the power given through this treaty to sell high and buy low, the Soviet Government and its satellites can accomplish their purpose legally, with our consent, our assistance, and at great cost to the American people—if we ratify this document. I can reach no other conclusion.

Much stress has been laid by the proponents of ratification on the alleged fact that ratification of the treaty is necessary if we are to raise the morale of the Italian people. With that position I agree. Greater industrial production in Italy is suggested as a means of freeing the Italians from fear of want. That is absolutely necessary if their morale is to be built up; and it seems to me that the only chance they have of increasing their industrial production is by purchasing raw materials from the United States and fabricating them and then exporting them and obtaining the proceeds for use in supplying their own needs, and thus rehabilitating themselves. Certainly that cannot be done when there are no surpluses for the Italian people, over and above the goods required to pay reparations to Soviet Russia and its satellites.

Mr. THYE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. IVES in the chair). Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. WHERRY. I am glad to yield.

Mr. THYE. Will the Senator from Nebraska state what he would like to propose, instead of the pending treaty?

Mr. WHERRY. I should like to see the situation remain in status quo until we are able to determine whether we can iron out a treaty with Germany and with Austria, as the Senator from Michigan suggested, and until we see how affairs proceed in Hungary during the next several months.

Mr. THYE. But has not the Foreign Relations Committee already given a great deal of study and thought and time to this subject?

Mr. WHERRY. Certainly.

Mr. THYE. What accomplishments can we hope for by requiring the committee to continue its study for the next several months?

Mr. WHERRY. Let me say that I am not for a moment challenging what the Foreign Relations Committee has done or suggesting that it has not worked diligently and hard. Certainly anyone who heard the Senator from Michigan [Mr. VANDENBERG] state yesterday that he sat across the table from Mr. Molotov for 213 days and that this treaty was the best he could get, must admire the work the Senator from Michigan has done and is doing, and I am not questioning or challenging it in any way.

Mr. THYE. I listened to the address which was made yesterday by the Senator from Michigan, and it is with that address in mind that I am now asking the Senator from Nebraska what we could hope to accomplish if we had the study of this problem continued for another month or 2 months or 3 months. Unless the Senator from Nebraska has some concrete suggestion to submit, I feel that I am at a loss as to what to do other than to follow the recommendations of the chairman of the Foreign Relations Committee.

Mr. WHERRY. Mr. President, if the Senator from Minnesota will bear with me until I complete my statement, I think I shall answer his questions.

Obviously, the Senate must now decide whether to ratify the treaty or not to ratify it. If the Senate ratifies the treaty and if the treaty subsequently does not bring about the peace we seek to have established in Italy, obviously it would have been better for us not to have ratified the treaty at all.

Insofar as alternatives are concerned, let me say that I am not a member of the Foreign Relations Committee, and I have not suggested any alternatives to ratification of the treaty. However, I know that if Communist infiltration into Italy proceeds, as it seems to me it will under the terms of this treaty, the situation will be no better, insofar as confusion is concerned, 6 months from now, than it will be if we do not ratify the treaty at all.

Let me say that an alternative to ratifying the treaty is the making of a separate peace. That would be difficult to do, of course, inasmuch as Russia is one of the four leading powers involved. But if we tell Russia what we are going to do and what we are not going to do with the same force that the distinguished Senator from Michigan used when he sat across the table from Molotov for 213 days, we might obtain a better settlement from Russia, now that our policy has changed insofar as appeasement is concerned, as compared with what I think our policy was when this treaty was written.

There is another alternative. I am not suggesting that it is the answer, for I am no superman. My job and the job of the Senator from Minnesota is either to vote to ratify the treaty upon its own terms or to vote not to ratify it. If in the opinion of the Senator from Minnesota, ratification of the treaty as it now stands is the proper procedure, certainly he should vote for ratification. I imagine there will be an overwhelmingly large vote in favor of ratification of the treaty. But as a humble Member of this body, it is my duty to evaluate the terms and provisions of the treaty; and if I conclude that in the end the treaty will not accomplish the purposes we seek to have accomplished, then certainly it is my duty now to state how I feel about the treaty and its provisions. I believe that is the first responsibility I have.

Mr. President, personally I am not much alarmed over the possibility that if we do not ratify the treaty, the situation in Italy will become much more out of hand than it is and has been in the absence of a treaty. If we consider and study the reports which have been and still are coming from Italy, it seems to me there can be no doubt that there is confusion there and that the Communists have gone in. But I believe that if this treaty is ratified, the Communists will infiltrate there more than they have already done. If that happens and if, as a result, Italy has a Communist government, the result will be to place Italy much more definitely behind an iron curtain than she would have been if we had proceeded in some other way.

So, as I said a moment ago, I am not suggesting alternatives, and I do not know what is best to be done; but I wish to be sure that if I vote to ratify this treaty, I shall know that ratification of the treaty is the best we can do at the present time. I am raising these points and these questions because I believe it is my duty to do so.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. BALDWIN. Is it a fact that the present status of Italy is that of a belligerent proceeding under armistice terms?

Mr. WHERRY. I think that is approximately correct. Probably I would not

interpret the situation in the same way that someone else does, but I think what the Senator has stated is approximately correct—in short, that Italy is now in the situation of a cobelligerent.

Mr. BALDWIN. If that be true, then, if this peace treaty is signed, Italy will attain the status of an independent, free nation, will she not?

Mr. WHERRY. Why does Italy have to attain that status now? If she does not want it, why should we force it upon her?

Mr. BALDWIN. I do not know that she does not want it.

Mr. WHERRY. I do not, either; I wish someone would tell us; but, of course, Italy has to sign the treaty, if it is ratified.

Mr. BALDWIN. Would not her status as a free and independent nation admitted to the United Nations be better for her than her present status as a belligerent living under mere armistice terms?

Mr. WHERRY. That argument has been made before, but in my speech I have several paragraphs about it, and when I reach them I think they will at least elucidate on that point.

Mr. BALDWIN. I did not understand that the Senator was going to cover that point. I shall be glad to subside and wait to hear what he has to say about it.

Mr. WHERRY. Mr. President, I realize that in speaking here as one of a very few Senators who apparently are not in total accord with the provisions of the treaty, I am very much in the minority. I realize, too, that the smart thing for a lawyer to do is to say, "Well, what would you do?" Certainly if there is an alternative, we should present it and consider it. I think that is good policy and good procedure and good floor work. I think we should be able to respond to the suggestion that we present an alternative. As I have said, I do not have a panacea for all the ills of Italy; but I am sure that so far as Italy and the infiltration of Communists into Italy are concerned, the situation will not be improved by our ratification of the treaty, rather than by our refusal to ratify it.

Mr. BRIDGES. Mr. President, if the Senator from Nebraska will yield to me, let me say to him that he should not feel badly about being in a small minority. If he is correct—and I think he is—he should not feel concerned about being in the minority. Let me recall to his mind that 10 or 11 years ago when the administration was trying to force through the Neutrality Act, only six Members of the Senate opposed it. At that time the administration said the Neutrality Act had to be passed and that peace could be legislated, and all the influence of Mr. Roosevelt was exerted, and all the administration forces and many of the Republican Members of the Senate were joined in urging the enactment of that measure. I said it was wrong, and subsequently it was proved to be wrong. I was one of a small minority—a minority of only six Members of the Senate. The only other member of that group who still is a Member of this body—I refer to the group of six Members of the Senate who voted against passage of the Neutrality Act—is the Senator from Massachusetts [Mr. LODGE]. He joined me and four other Senators in opposing the Neutrality Act. We did so because we were sure it was wrong for us to vote for it.

Moreover, let me say that I was one of a very small minority of the Members of the Senate who opposed the sending of scrap iron and steel and war supplies to Japan. In taking that position I was condemned and abused by various persons in the United States, and also I was criticized by various Members of the Senate; but, Mr. President, it has been proved that I was right, even though I was only one of a small minority of Senators who took that position.

So I say to the Senator from Nebraska that if he is right he should not feel badly if he is one of a small group today. If a thing is bad we should not compromise about it. It is not possible to compromise with the devil or with evil. If a thing is wrong we should oppose it; and I say that the Italian treaty is wrong.

Mr. WHERRY. Mr. President, I certainly thank the distinguished Senator from New Hampshire. I have known him for many years. On the basis of my experience in public life, I say to the Senate that the Senator from New Hampshire is a man of courage. The observations he has just made not only reassure me, but make me feel that possibly the time will come when it will be found that I was right in opposing ratification of the treaty.

Mr. President, if I may be forgiven a personal observation, let me say that I remember a very long and lonesome afternoon I had a few years ago when the question before the Senate was the confirmation of the nomination of Dean Acheson to be Under Secretary of State. When the debate was concluded, after 2 days, I found myself voting alone against his confirmation. So I know what it is to belong to a very small minority group. I wish to say to the Members of the Senate that the fact that he signed the international air agreements in Chicago, and they had to be repudiated by the United States Senate, convinces me that my opposition to him, as indicated by the vote I cast against him that afternoon, is nearer right today than it ever was before.

Mr. EASTLAND. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. EASTLAND. Why is it not proper to go ahead and rehabilitate Italian industry, get Italy into a position where she can stand on her own feet, where she can resist with her own resources Communist infiltration, and then sign a peace treaty and turn her loose?

Mr. WHERRY. That is one of the solutions I mentioned in my address.

Mr. EASTLAND. I think it is a proper solution.

Mr. WHERRY. I agree with the distinguished Senator. Senators must make up their minds that, just so surely as the sun rises, if we sign this peace treaty, the Italians will have to have money from the United States of America. Senators may as well make up their minds that, if they make appropriations, they will be used for supplying the materials that will go into factories mortgaged to Russia, where goods will be manufactured which will be sent to Russia as reparations. Why not give Russia the money in the first place? If, for instance, we want to give aid to Greece, which is necessary in order to restore her economy, why extend the aid by the indirect method of giving to Italy hundreds of millions of dollars, and then have it relayed to Greece? If we want to be sure that Greece will get it, we had better give them the relief in the first place.

Mr. EASTLAND. The Senator says that we must lend money to Italy to rehabilitate Italian industry.

Mr. WHERRY. I do not think there is any question about it.

Mr. EASTLAND. The Italian textile industry has been rehabilitated by the United States without the outlay of money simply by the shipment of raw material there. The Italians fabricate it and pay us. That process has resulted in a great market for the products of this country. It has rehabilitated the greatest industry in the Italian economy, and has not cost the United States a penny. I do not see that it is necessary to have a great outlay of money to rehabilitate the Italian economy.

Mr. WHERRY. One point I wanted to raise was that we had done much for Italy through feeding her people. Seventy-three percent of the money that went through the UNRRA organization came from the taxpayers of the United States, and Italy received a great deal of the assistance.

Mr. DWORSHAK. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. DWORSHAK. The Senator from Nebraska has been making a most comprehensive and profound statement on the subject before the Senate. I desire to commend him for his diligence, and the thoroughness with which he has approached the entire issue. I should like to ask him whether he has analyzed the question so as to state in what manner the Truman doctrine may be applied to Italy if the pending treaty shall be ratified. Has the Senator given that matter any consideration or thought?

Mr. WHERRY. I should like to say to the distinguished Senator from Idaho that I have not, but if he cares to have me make an observation, I shall be glad to do so. Perhaps he would like to make a statement first.

Mr. DWORSHAK. No; I am very sincere in making the inquiry, because I was not one of those who supported the proposal to fortify Turkey and Greece in order that they might resist Communist aggression, and I am wondering whether it is consistent to weaken a nation such as Italy in order to apply the reverse logic, so that she may be made less immune, and weakened, and rendered less able to resist the same aggression of the communistic forces of Europe.

Mr. WHERRY. I thank the Senator for his observation. I would answer in this way: If we ratify this treaty, and the United States moves out of Italy, as will be the case, I am convinced that, as Hungary went behind the iron curtain, the same thing will happen to Italy. Certainly we jeopardize the $300,000,000

investment in Greece and the investment we are making in Turkey, because the Tito government will move into Italy. There is nothing to stop his soldiers moving in there. Under one provision of the treaty they can enter Italy and hunt down fugitives. The first thing we know there will be a wholesale infiltration, and I shall call attention later to the remarks of Tito as they appeared in the press of yesterday or the day before.

It is my belief that this treaty will place Italy behind the iron curtain; and if it does, we will be outflanked, so far as Greece and Turkey are concerned, and we will have lost one of the best military advantages we possibly could have if we maintained our position in Italy.

The only alternative is to give Italy a democratic government, to finance Italy, as we will have to do, and see that Italy remains a democratic country that is favorable to the United States, and not thrown behind the iron curtain and made a satellite of Russia. In that respect the two policies of Truman are in direct contradiction. We are doing the opposite in Italy to what we are attempting to do in Greece and Turkey.

Mr. BROOKS. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield to the Senator from Illinois.

Mr. BROOKS. Does not the Senator feel that, while we are being told by those framing the present foreign policy that we have to send not only money but military missions into Greece and Turkey, it is absolute folly to weaken the military strength of Italy by a treaty and then have to send money to Italy to feed the Italians, and have money go to Russia in the form of materials produced by the labor of Italy?

Mr. WHERRY. The Senator from Illinois has answered the question raised by the Senator from Idaho very forcefully and more ably than I could have answered it. It is the complete answer to the observation of the distinguished Senator from Idaho.

Mr. EASTLAND. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. EASTLAND. Does the Senator think that we should pull out of Italy while conditions there are chaotic, while the people are starving, while they are undernourished, while the factories are shut down, and while the Communist movement is on?

Mr. WHERRY. My answer is that we cannot afford to pull out of Italy and leave ourselves exposed in Greece and Turkey, if we expect to follow the Truman doctrine so far as stopping communism is concerned. If it is right to follow it in one country it is right to do so in others. I say to the distinguished Senator from Minnesota that it is only my opinion, but I have reached the opinion conscientiously, based upon my convictions and on what I can read and learn, that if we ratify this treaty there will be wholesale infiltration into Italy, and if there is, Italy will be placed behind the iron curtain, and if that comes about, we will be outflanked in Greece and Turkey, and our investment to stop communism will be of no avail. That is my position. The distinguished Senator from Illinois has given the answer more ably than I could have given it.

Mr. BALDWIN. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. BALDWIN. I am very much interested in the statement the Senator has just made, but I am wondering what there is in Italy now to stop the infiltration to which he refers.

Mr. WHERRY. The American Army is in Italy to the extent of about 25,000 men, and so long as we have even a token force there, that will accomplish the purpose. Of course, even 25,000 men could not stop an invasion. We might just as well have 5,000 as 25,000. My theory is that so long as we are advancing money to Turkey and Greece, we had better protect the flank in Italy. If we are going into Greece and Turkey with military missions, we might as well do the same thing in Italy. Let us be consistent in this policy.

Mr. BALDWIN. As I understand the Greco-Turkish situation, what is happening there is that our military mission is helping them with their own armed forces. If Italy had a status as a free and independent nation, and we were extending the Truman doctrine to Italy, we would not be using our troops, but following the same policy.

Mr. WHERRY. With Italy permitted to have only 200,000 soldiers and 25,000 seamen guarding the whole seacoast, how will that avail against Tito, who has an army of 800,000? If we pull out of Italy, the Communists will move in.

Mr. BALDWIN. What would we pull out?

Mr. WHERRY. The prestige of the United States of America is what we would pull out. The point I make is that it seems to me to be senseless to advance loans to Greece and Turkey and then pull out of Italy. It may be said the advances to Greece and Turkey are for rehabilitation, for training personnel, and so on, but I have been told by a high military authority that the money that was advanced to Turkey was to get air bases in Turkey. How are those bases to be protected? If we propose to protect them, how are we going to do it if we lose Italy? If it is right to do that, in Turkey, why do we not do it in Italy? If it is not right, why do we not walk out of all foreign countries? I do not see any difference. I think there should be a consistent policy.

Mr. THYE. Mr. President, will the Senator yield?

Mr. WHERRY. I am glad to yield.

Mr. THYE. I may say to the Senator from Nebraska that, as I tried to follow the explanation of the treaty with Italy as it was given to us yesterday by the chairman of the Committee on Foreign Relations, as I have followed the remarks by the Senator from Nebraska, and as I have tried to visualize the entire question, it seems to me that the troops that are stationed in Italy today are not going to keep out the communistic philosophy. The communistic philosophy is something that cannot be seen; it cannot be touched; it merely exists.

Mr. WHERRY. How is it to be kept out of Greece?

Mr. THYE. The atmosphere that may prevail in Italy will permit the entrance of the Communist, or he will remain outside, depending entirely upon the philosophy of the people. But it will be necessary sometime to begin the negotiation of a treaty. Does the Senator question the judgment of the Secretary of State, General Marshall?

Mr. WHERRY. Certainly.

Mr. THYE. The Senator does question it?

Mr. WHERRY. Certainly. I am questioning the whole peace treaty.

Mr. THYE. I will say to the Senator that I personally do not at all question the judgment of Secretary Marshall. I do not question his recommendation.

Mr. WHERRY. The Senator is perfectly within his rights. The Senator has a perfect right to back up General Marshall. He has a perfect right to back up the Committee on Foreign Relations. The Senator has a perfect right to vote in any way he pleases. I am basing my judgment on what I believe to be right. I think the treaty is not, as it purports to be, a peace treaty. I think that if it is signed and ratified Italy will go behind the iron curtain. That is my judgment. I realize, of course, that the distinguished Senator from Minnesota has a perfect right to set up the judgment of Secretary Marshall over my judgment. If the Senator wants to follow Secretary Marshall he should vote for ratification of the peace treaty. But that does not alter in the least degree my opinion of what this ratification means to the Italian people and what it means to the security of the United States of America, if we want to hold the most strategic place on the Mediterranean—which is Italy. Certainly it does not alter my answer. When the question is asked, "How are we going to prevent the Communists from taking over Greece with the investment we have made?" I repeat, how are we going to do that? Is it through having made them a loan of $300,000,000? Is it supposed that, because of that fact, Greece will not allow a Communist to enter its borders? We shall wait and see. That is what was expected to be the situation in Hungary. What has happened in Hungary is exactly what is likely to happen in Italy.

Mr. EASTLAND. Has General Marshall said that Italy would not admit Communists if this treaty were approved?

Mr. WHERRY. I do not think so. I thought the senior Senator from Michigan said on the floor of the Senate yesterday that he would not predict what might happen in foreign relations for a period of even 5 minutes. I agree with him. It is very difficult to know what will happen.

Mr. EASTLAND. The point of the controversy is that so long as the status quo is maintained, Italy is not going to become communistic.

Mr. WHERRY. That is correct.

Mr. EASTLAND. Then why take the chance?

Mr. WHERRY. That is a proper question. I think Italy is better off in the status quo than she would be if the treaty were ratified today. I think there will be nothing lost, so far as the infiltration of communism is concerned, by

waiting until January to see what kind of peace treaty can be written in agreement with Russia.

Furthermore, I may say that the treaty has not been ratified thus far by any country, with the exception of Great Britain. Great Britain has ratified it, and is the only country that has ratified it. Someone will say, "Let us take the lead." That is fine; that is a great thing; but the other countries have not ratified it.

I am told the Italian people do not want this treaty and that, instead of raising their morale, it will lower their morale, if the treaty is ratified. Of course, I cannot bring the authority into the Senate Chamber, but I think probably it is just as good an authority as the newspaperman who was quoted yesterday, who represents the ANSA, from Italy, whose position is comparable to that of an agent of the UP, at Rome. Certainly we cannot rely entirely on the testimony of one man as to what the entire people of Italy think about the ratification of the peace treaty.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. BALDWIN. I should like to make one point clear. I think it is the earnest and most sincere desire of every Member of the Senate to do the best thing that can be done for Italy. There are throughout the United States hundreds of thousands, yes, millions of people of Italian origin, who are among our best citizens. They are hard-working. They are industrious. They are practical. They are among our very best people. What bothers me, and the question that it seems to me we must answer, is this: Is the status of Italy, as at present, a better status to permit the regeneration of Italy as a nation than her status would be under a treaty of peace which would make her a free and independent nation, and admit her to the United Nations and to the family of nations? I think that is the question.

Mr. WHERRY. That argument was made yesterday by the distinguished Senator from Michigan. I think there is a great deal of merit in it. If I were making up a balance sheet, that is one of the things that I would consider as an asset, with respect to the signing of the treaty at this time. I think possibly it is an asset. But I will say to the distinguished Senator from Connecticut that with respect to foreign relations, I should like always to follow the judgment of the chairman of the Foreign Relations Committee, who has given so much thought and attention to the subject, and, if I gathered correctly the remarks of the distinguished Senator from Michigan, this treaty is not a satisfactory treaty, and it is hard to determine whether or not it is the best treaty that can be made at this time. I do not know; it is my personal opinion that Italy will not be any worse off in 6 months. Of course, any Senator has a perfect right to say that she will be, and that in 6 months the confusion will be such that it would be impossible to get a treaty. I think that is what the senior Senator from Michigan said; but in my opinion Italy will not be any worse off in 6 months, under the status quo, than she is today, with a token force within her borders which she knows will remain until a satisfactory treaty is signed.

Mr. BALDWIN. What bothers me is, how long that period would be?

Mr. WHERRY. The other signatories have not yet signed the treaty, have they? And then, too, Italy will have to sign it.

Mr. BALDWIN. Someone must make a start.

Mr. WHERRY. The ratification has been started.

Mr. BALDWIN. Does the Senator think that, if we delay the matter, other nations—France, for example—will come forward and sign the treaty?

Mr. WHERRY. I do not know. The Senator can answer that question as well as I can.

Mr. BALDWIN. Does the Senator believe that our help to Italy can be any more effective, if she continues her status as a belligerent?

Mr. WHERRY. Yes; I think that if we continue Italy's status quo, communism will not be so likely to infiltrate the country as it will if the treaty is ratified. I have said that before.

Mr. BALDWIN. Then the Senator maintains that we must keep an army of occupation in Italy indefinitely?

Mr. WHERRY. How many soldiers are in Italy now?

Mr. BALDWIN. The Senator said 25,000, and he also said that was an insufficient number.

Mr. WHERRY. The Senator from Connecticut will certainly agree with me, will he not?

Mr. BALDWIN. Yes.

Mr. WHERRY. I think all we have in Italy is the prestige of the United States. I think a token force of 5,000 would accomplish just as much as an army of 25,000.

Mr. BALDWIN. Is it not a wise policy to help the Italians to help themselves?

Mr. WHERRY. That is what I am trying to do.

Mr. BALDWIN. Is not that better than trying to do everything for them?

Mr. WHERRY. I am not trying to help put them behind an iron curtain, with a mortgage on their labor, a mortgage on their electric power, and a mortgage on their coal, because of reparations which they must pay for years and years to come.

Mr. BALDWIN. Does the Senator feel that our assistance is going to be any less, if Italy gains the status of a free and independent Nation again, than it is now? Is it not true that if Italy is admitted to the United Nations as a free and independent nation, even under this treaty she will have not only our support but the backing of those friendly to us in the United Nations as well?

Mr. WHERRY. Mr. President, I have answered that question three or four times. The Senator from Connecticut has asked it three or four times, and I agree with him in that respect. If I were going to prepare an inventory I would say that if that were the one thing upon which the decision hinged it would have considerable weight, I do not think there is any question about that. I have answered that question three or four times for the Senator.

There is another fear which I have not heard mentioned. That is the fear of armed invasion and of a civil war inspired and sustained from outside the frontier. We have not heard anything said about that. Yesterday we were told that the treaty does not leave Italy virtually helpless. That statement of mine may not be entirely correct, and I do not want to misquote anyone. But the sense of what was said was that Italy would not be virtually helpless if the treaty were entered into. On that point, however, I should like to say that I beg to differ, and to differ very sharply. I believe it does leave Italy virtually helpless. Throughout the whole Italian Peninsula and the islands of Sicily and Sardinia, the Italian Government is to be permitted only a little over 200,000 men in its land forces. For an immense stretch of seacoast it is to have some 25,000 men in its naval force. These are to be the sole protection against the 600,000 men—and I have been told the number is as high as 800,000—of Tito's standing army. Yesterday, we were told that it is necessary to have the frontiers fixed before any reconstruction of European—specifically Italian—economy can begin. But does this treaty fix any borders? It defines them, yes. But it guarantees them only in the sense that Poland's borders were guaranteed by the Atlantic Charter and Covenant of the League of Nations. It deprives Italy of any force to resist aggression, an aggression that was plainly hinted only yesterday by Tito, who told Bulgarian newsmen that Yugoslavia had suffered injustice in Venezia Giulia. Here are his words reported in the New York Times:

> Trieste has simply been carved out of a whole healthy body * * * We shall have to submit to decisions because we are a member of the United Nations, but that does not mean acceding to such a decision forever.

Those were the words of Tito reported only yesterday.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CONNALLY. I should like to suggest to the Senator that during the Peace Conference held in Paris, Yugoslavia, through Marshal Tito's representatives there, very bitterly resented what we had agreed upon as to Trieste, and the Yugoslav representatives made a public statement to the effect that they would not sign the treaty. I happened to be on the committee when the statement was made. I made some remark in reply to the Yugoslavs, and told them, "All right, you do not need to sign it. We will get along without that." Subsequently they changed their minds and did sign the treaty. So that Yugloslavia is a party to the treaty, and if she violates it she will incur the penalties and sanctions of the other nations, for Italy will become a member of the United Nations and, of course, she will have recourse in the United Nations against any invasion or aggression.

Mr. WHERRY. Yes. Yet Marshal Tito only yesterday was quoted as having made the statement:

We shall have to submit to decisions because we are a member of the United Nations.

As the Senator from Texas has just stated:

But that does not mean acceding to such a decision forever.

What does that statement mean?

Mr. CONNALLY. We will have to meet that situation when it comes.

Mr. WHERRY. Certainly. It is my opinion that Tito intends now to infiltrate into Italy.

Mr. CONNALLY. We cannot control that situation at this moment. We will have to meet it when it comes but for the present there is no threat.

Mr. WHERRY. It is my opinion that if we sign the treaty and pull out of Italy, then that threat is there. I have tried to make it very clear that in my humble judgment, the threat will then be there. As I stated yesterday, I did not have the privilege of talking to Molotov personally.

Mr. CONNALLY. I am not trying to argue with the Senator.

Mr. WHERRY. I appreciate the Senator's statement.

Mr. CONNALLY. I want the Senator to have the facts.

Mr. WHERRY. I thank the Senator.

The way is open by this treaty for Tito to take an easy path toward revising the decision. The vital Julian passes, which were the ancient bastions of Roman civilization north of the Adriatic Sea, are transferred by this treaty to Tito's Yugoslavia—that is, to the new federation "of free Balkan peoples in a strong monolithic entity," which Tito said yesterday, "is indispensable."

Loss of this vital land defense affects more than Italy. It affects the security of all western Europe, and by that the peace and security of the western world. On that point I can use my own judgment, because I have been to Europe twice recently, and I spent a month last November looking into the situation with which we are now dealing. I think the Senators who have been over there recently and have made observations will agree with me.

Let us not forget that long ago, Lenin, the spiritual master of Stalin, of Tito, of Togliatti—of all those who are vowed to destroy our way of life—declared: "Sooner or later capitalism will commit suicide for profit." By any sane yardstick it is hardly less than suicidal, it seems to me, for us to throw away one of our last defenses in Europe. That is the point we have been arguing this afternoon. As I said, Senators do not have to accept my interpretation, but that is the way I feel about the matter.

How do the territorial clauses slicing up Italy support United States interests? Take Triete, and the Venezia Giulia area, which incidentally is the source for one-third of Italy's coal.

Yugoslav Dictator Tito has just rejected General Marshall's third demand to cease further looting of Italian property in the Trieste, Venezia Giulia, and Istrian zones. Tito's army is now cutting up the former Italian luxury liner *Rex* and shipping the valuable scrap back to Yugoslavia. In flagrant disregard of our strong protests, Tito has failed to return other Italian vessels pirated in the Adriatic. And, parenthetically, let us not forget that we, in turn, are furnishing Italy with ships which we recognize are needed to restore her economy. Liberty ships are going to Italy to restore her economy.

In view of Tito's rejection of a thrice-repeated American demand to stop stealing Italian property from under the noses of American occupation troops, how can we expect Tito to restrain himself in the future?

If, as many Italians feel, Tito decides, should the Italian Treaty be ratified and our troops withdrawn, to move into the free zone of Trieste, will the United Nations then be ready to take practical action against the aggressor? If they are, and they can do it, all well and good. Then the question which has been asked so many times will be answered: Could the Italian Army, drastically limited by this treaty, stop Tito? Senators can use their own judgment as to that. Are we willing to stop him? Does it serve our interests and our policy to help rehabilitate Italy? If it does, why give away Italian territory where so much of Italy's shipbuilding and other industries, its electric power, its coal, and other resources are found?

It has been said that failure to ratify the treaty will hinder the free flow of goods to and from Italy on a normal parity basis because she is still technically at war. That argument has been made here this afternoon. Thus, it is argued we cannot legally enter into a commercial agreement for broader mutual exchange.

Those who have read the hearings before the Foreign Relations Committee know that ratification is not the only—or indeed the most intelligent—road to restoration of normal relations between the United States and Italy. A suggestion made in testimony by former Assistant Secretary of State Adolph Berle recalled the American precedent following World War I when the state of war between the United States and Germany was ended by a joint resolution of Congress.

Under this precedent, the way is clear to postpone final action until after Congress reconvenes in January of 1948, while terminating our present outmoded state of war with Italy. I think the problem could be dealt with in that way, and then Italy would be in the condition the Senator from Connecticut thinks desirable, with the exception that the treaty would not be ratified, but by joint resolution what is necessary could be accomplished.

For the life of me, however, I cannot help but feel that the so-called technical state of war with Italy is just so much diplomatic doubletalk, in view of the fact that we recognized her co-belligerency some three years ago and shortly thereafter exchanged ambassadors.

Fear has been expressed that such action as I have indicated would be regarded as unilateral action on our part in violation of the United Nations agreement. It has been suggested that Communist propaganda would tear to shreds any further concept of American democratic good faith in foreign agreements.

The facts are that the Italian Peace Treaty itself violates every single clause of the Atlantic Charter, which is the essence of the United Nations declaration; and that declaration has been repeatedly cited by the proponents of ratification. Yet I think it is really the best argument against ratification.

As for the question of American good faith, the people of Italy and of the world know that the United States Senate must pass upon all treaties to which our country adheres, even though some Americans seem to overlook that fact. There can be no breach of faith until after a treaty has been ratified by the Senate, so the allegations seem to me to be inconsistent with our known constitutional procedures.

My final point, and one which I hope will be a revelation to those who have repeatedly stated that the Italian people themselves actually want ratification, concerns a major consideration in our ultimate decision.

Again quoting the distinguished Senator from Michigan [Mr. VANDENBERG], yesterday he read from a letter addressed to him by Francesco Gasperini, bureau chief in the United States of the Italian semiofficial news agency ANSA. In that letter it was stated that "the Italian people need ratification badly."

I should like to quote a paragraph from the letter which was inserted in the RECORD by the distinguished Senator from Michigan. I am quoting the words of the writer of the letter. As I understand his official position, he is the representative of ANSA, which is a news agency similar to the United Press, the International News Service, or the Associated Press. He recently came to New York as the agent of ANSA in this country and no doubt has a considerable concept of what the Italian people feel and believe. I quote his statement:

I am not authorized to speak in the name of the Italian people—

I do not mean to intimate that the Senator from Michigan stated that he was. In fact, he stated to the contrary, that he was not entitled to speak for the Italian people, and that he offered the letter only as the personal observation of this individual. However, the letter implies that the Italian people want ratification.

I am not authorized to speak in the name of the Italian people, but I know for sure that I am interpreting the feeling of all, or almost all, Italians who have our country's destiny at heart, and I know how the overwhelming majority of the members of our Government and of the Constituent Assembly feel in this matter.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WHERRY. I am glad to yield.

Mr. VANDENBERG. Three months ago—I think it was on March 2—the Committee on Foreign Relations received a communication from the Constituent

Assembly after Italy had signed the treaty, in which it bitterly criticized the terms of the treaty. It certainly could not be said to be asking for its ratification. The communication ended with a general plea for American support in the postwar reconstruction era. I was under the impression that that letter was in the committee records, but the committee records do not go back that far. I am giving the Senator this information because otherwise I feel that an erroneous interpretation may be drawn from the incident.

Mr. WHERRY. I will say to the distinguished Senator that that subject is a part of my prepared speech. I was about to ask the Senator with respect to the memorandum which came from the Constituent Assembly.

Mr. VANDENBERG. The statement was given out at the time it was received. It was presented to the committee. When the Senator from Mississippi [Mr. EASTLAND] asked me to locate it earlier today, I was unable to do so. Later I placed it in the RECORD, and it is available.

Mr. WHERRY. I thank the distinguished Senator. The remarks which I am about to make have to do with that subject. I have been given a copy of the original letter sent to the President pro tempore of the Senate. I could not find it in the RECORD. I called the Senator from Mississippi [Mr. EASTLAND] and everyone else I could think of because I thought that information ought to be included in the RECORD. I thought there might be some reason for the statement, and I was about to ask the distinguished Senator if he had received such a memorandum from the Constituent Assembly, and if that would not be conclusive evidence as to how the Italian people feel about ratification of the treaty.

Mr. VANDENBERG. Mr. President, may I comment further?

Mr. WHERRY. I yield.

Mr. VANDENBERG. I think that is evidence of the official attitude. I think the official attitude obviously must be that attitude. I would differentiate between the official attitude and the unofficial attitude, although anyone's guess is justified on either side of the question.

Mr. WHERRY. I thank the Senator for his observation. If he does not mind, I wish he would remain in the Chamber because I shall deal with that subject in the final part of my remarks. I should like to clear up that question for the RECORD.

Getting back to the letter which came from the newsman in New York, it was placed in the RECORD. It was referred to with great force and eloquence by the distinguished minority leader [Mr. BARKLEY]. I do not wish to misquote him or be guilty of an excessive statement, but from what the distinguished minority leader said, I would interpret his remarks as saying, in effect, "Here is a letter from a man from Italy. He knows how the Italian people feel about this question." I respectfully invite the attention of Senators to the words of the distinguished Senator from Michigan, who stated that this man did not represent the Italian Government, but that he was only the representative of a news agency. His statement reflected only his personal observation. Of course, on that basis, we appraise it for what it is worth. However, in view of the very forceful statement of the minority leader, I wish to stamp indelibly on the minds of Senators the fact that this man does not represent the Italian people. He has no official mandate.

Mr. VANDENBERG. The Senator from Michigan made no pretense to the contrary.

Mr. WHERRY. I am not saying so. But the statement of the minority leader was very forceful. I would not want anyone who had not read the letter or the explanation to infer from the remarks of the minority leader that this man was an official representing the people of Italy. I think that point ought to be emphasized. It is already so stated in the RECORD, and I very much appreciate the fair attitude of the distinguished Senator from Michigan when he offered the letter for the RECORD.

Mr. President, I have before me a document which I believe is far more expressive of the will of the Italian people with respect to the treaty before us than is the statement of any self-appointed spokesman, no matter who he is. I refer to a communication sent last March, as the distinguished Senator from Michigan has already said, by the Italian Constituent Assembly to the United States Senate—in other words, from an elected legislative body in Italy to its counterpart in the United States.

I do not believe that this document has ever been made public. I understand that some comment was made in the press with respect to it; but so far as any release by the Foreign Relations Committee is concerned, it was not made public until this afternoon.

Mr. VANDENBERG. It was made available to the press on the day it was presented to the committee.

Mr. WHERRY. I am glad to have that information, because I understood that there had been some comment in the press to the effect that the document itself had not been released or that its provisions had not been called to the attention of Members of the Senate. However, I am glad to accept the statement of the Senator from Michigan relative to its publication.

It is signed by the Honorable Terracini, President of the Italian Constituent Assembly, and addressed to the President of the United States Senate. Though Terracini is a Communist, and therefore in favor of ratification, he was forced by majority vote to dispatch the communication, pleading, in the name of the elected representatives of the Italian people, that this treaty be rejected.

Here is a Communist in a legislative body—the head of it—forced to sign this memorandum which I am now giving to the Senate of the United States, having a copy of it in my possession. It reads as follows:

> The Italian Constituent Assembly, elected by the votes of a nation which has been restored to liberty and democracy by the heroism of the Allies and by the sacrifices of its own sons, has solemnly charged me with the duty of appealing to the representatives of the American people.
>
> The Italian people who, in the final victory against fascism made a contribution of men and faith recognized by the whole world, asks that the peace be framed justly so that we may repair our ruins, reconstruct our national life, and take part freely in the progress of the world. The Italian people asks that the harsh injustice found in many clauses of the treaty be not allowed to hinder us in our regeneration—a regeneration which will be made impossible if our freedom and our integrity as a nation are not respected. It asks that the arbitrary mutilation of our territory be annulled, together with the humiliating terms regarding our army, air force, and navy, which shared heroically in the final struggle for the common victory. It asks also, that the insupportable economic and financial penalties (reparations) be lightened.
>
> The ties of blood which bind the United States and Italy, and the continuing proofs of sympathy given to Italy throughout the years by the people of the United States, as well as those recently shown the Head of our Government, assures the Italian Constituent Assembly that the American people—champions of justice and liberty among nations who fought for the triumph of those principles—will listen sympathetically to this appeal, and will do its utmost, in keeping with the principles laid down by the United Nations and by peaceful agreements between interested nations, to bring about a revision of the conditions of the peace.
>
> TERRACINI,
> *President of the Italian Constituent Assembly.*

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. BALDWIN. The Senator just mentioned revision of the conditions of the treaty?

Mr. WHERRY. Yes.

Mr. BALDWIN. As I understand the United Nations Charter, if Italy were admitted as a nation to the United Nations organization, under the charter she could make application for revision of some of these conditions?

Mr. WHERRY. I think the Senator is correct. But does the Senator think that that will be done if we sign this treaty?

Mr. BALDWIN. I do not think it can be done unless the treaty is signed.

Mr. WHERRY. The time to revise the terms of the treaty is before it is signed. It is like making any other kind of a contract. Here is a statement from the head of the Italian Constituent Assembly, a legislative assembly comparable to the Congress of the United States, asking us to revise the terms of the treaty before we sign it. The treaty has only one signatory now, and that is Great Britain. If we want to keep faith with the people of Italy, who do not want the treaty ratified until the revisions are made, the time to make them is before we put our name on the dotted line.

Mr. BALDWIN. I want to assure the Senator that I am just as sincere in my desire and purpose to do the best thing for the Italian people as is the Senator from Nebraska, or anyone else

Mr. WHERRY. Oh, of course, I understand that.

Mr. BALDWIN. I think the Senator will concede that.

Mr. WHERRY. I would like to have the RECORD show that I know of no one who is more sincere in his work than is the distinguished Senator from Connecticut.

The time to make a revision of a contract or any other document is before the names are signed to the dotted line. Once our name is placed there it will be terrifically difficult to revise it.

Mr. BALDWIN. I am wondering what would be the machinery for revising it now, other than a repudiation of the treaty and going all over it again. I do not understand the argument of the Senator. I am trying to find light on the subject to help me to determine how I shall cast my vote tomorrow. I am wondering if Italy's position as a member of the United Nations would not better enable her to reestablish herself and have revisions made in the treaty than if we were to throw the treaty to one side. I say to the Senator that I do not like it; I wish we could have done better for Italy. But if we throw the treaty to one side and trust to a complete series of renegotiations——

Mr. WHERRY. I think it would require renegotiation if we revise the treaty; I think there is no doubt about that. If the Senator feels that it would be better to go the other way, to sign the treaty and then revise it, that is one way to go, and we have a perfect right to do it. But my opinion is that we had better revise it now if we ever expect to have it revised, because once the United States places its name on the dotted line I think it will be very doubtful that we can get any revision otherwise. That is merely my opinion.

Mr. BALDWIN. I asked the question of the Senator because I know he has made a very earnest and very deep study of the whole question. The answer to my question would be that if Italy were a member of the United Nations she could take that course?

Mr. WHERRY. That is my interpretation; and I think the Senator from Michigan would agree with me in that statement.

Mr. VANDENBERG. Pardon me. I did not hear the colloquy.

Mr. WHERRY. The procedure would be available, and the treaty could be revised.

Mr. BALDWIN. If the Senator will yield further, I want to say to him that he has been very generous in allowing all these interruptions.

Mr. WHERRY. My patience does not compare with that of the distinguished Senator from Michigan. I realize that yesterday and many times in the past he has labored and sweated—if the Senate does not mind that word—when he gets up and I ask him questions. There is no Member of the Senate who admires him more than do I; I should like to follow him on questions of foreign policy, because he is a student of the subject. In this instance I have done my level best to do so, as I have on other occasions. Possibly I take things too seriously; I have been told that I do; but I want the Senator to know that I have been utterly sincere in my conclusions, with what knowledge I have, and I want to be just as patient as the distinguished Senator from Michigan has been, and even more so, because I realize that some of the questions I have asked have been very elementary, and I suppose he feels that all of us should know the elementary things. Yet there are many complications involved and there has been much said that was unsatisfactory.

I have been over there, as I have stated. I went over there for another reason. I paid my own expenses. I do not want to emphasize that fact, but I went over because I was interested in food and in the rehabilitation not only of Italy but of Germany and Austria. I spent considerable time in Europe. No one has the answers to all the questions involved. I certainly agree with the distinguished Senator from Michigan that it is very difficult to get the answers. As I understand, he takes the position, as does the Senator from Connecticut [Mr. BALDWIN] that this is the best treaty we can get at this time and that we had better take it and meet the other hurdles as we come to them. As I said on the floor of the Senate this afternoon, that is the way in which the great majority will see this peace treaty. But, personally, I should like to support the motion of the distinguished Senator from Arkansas. I should like to see his motion agreed to. I do not want to be placed in the position that because I support the motion I am trying to destroy the treaty. I have the feeling that if we wait we shall get a better treaty than we have at this time; and I do not think we would jeopardize the position of the Italian people any more than it has been jeopardized. I may be absolutely wrong in that position, but that is my judgment. I have done the best I could with the light I have had.

The other way is to go ahead and vote for the treaty on the theory that it is the best that we can get. Certainly the work which was done in scaling down reparations was an admirable job done by the men who sat there and dealt with Mr. Molotov.

In that connection I want to pay tribute to the senior Senator from Michigan [Mr. VANDENBERG] and the senior Senator from Texas [Mr. CONNALLY] and all those associated with them. I suspect they did a better job than could any like number of persons have done in the same situation. But even though they have done the best they could, somehow I have the feeling in my heart—and I cannot get it out—that we should not ratify the treaty at this time. I should like to have action on it postponed until we see if things will not work out for a better treaty for Italy so that she will not take the chance of being placed behind the iron curtain and lose the things she fought for when she became our ally in the war.

I hope that I shall not be misunderstood. I am just as sincere about the matter as anyone could be. I deeply appreciate the statement of the senior Senator from Michigan that it is an individual matter. Certainly there is no politics connected with it. We have a bipartisan foreign policy.

I voted for the United Nations largely upon the representations and statements made by the Senator from Michigan and the Senator from Texas, and no one has been more anxious to see it succeed than have I. I did not vote in the first instance for UNRRA, because I felt that we should distribute our food direct to the people in Europe. After the organization was once set up I voted for the appropriations every time the question arose. I thought it was a mistake, and certainly over the years it has proved to be a mistake, because all of us agree that the way to feed them is to feed them directly through their own governmental agencies. But in the main I have supported it.

I wish the Senate to know that it takes a great deal of courage to stand on this floor and in any way take a position opposite to that which is taken by the distinguished Senator from Michigan. For that reason, Mr. President, it seems to me that a Senator who is in the minority should be given due credit for having the courage to take the position I have taken, even though his judgment may not be the judgment of other Senators who, being in the majority, will vote for ratification of the treaty.

Mr. President, I should like to say something off the record, but that cannot be done in the Senate, so I shall proceed along another line.

Mr. BALDWIN. Mr. President, I should like to say that I do not think anyone questions the courage or sincerity of the Senator from Nebraska. I think that statement should appear in the RECORD.

Mr. WHERRY. I thank the Senator.

Mr. President, I interrupted my remarks in reference to the memorandum to which I have called attention. It bears a signature which is comparable to that of the President of the United States. Mr. President, if a point is made—and it was made—as to how the people of Italy feel about this matter, I think that memorandum, which comes from an important governmental body in Italy, more truly reflects the feelings of the Italian people than do the personal observations of a newspaperman or the statements contained in a news article coming from Italy. That is my opinion. I think we should pay attention to the sentiments and views expressed in that memorandum, because I think it is clear that those persons are pleading with the United States Senate to understand their viewpoint, and I think it is clear that they are pleading with the Senate not to ratify this treaty.

In conclusion, Mr. President, let me state that the following sentiment was reiterated by Italy's present Foreign Minister, Count Carlo Sforza, only last month when he declared for the public record:

> Never in act, word, or written document has the Italian Government sought to say or to imply that it favored ratification of the onerous peace treaty.

He is the Foreign Minister of Italy. We are speaking of evidence now. On the one hand, we have a letter from a newspaperman who says the people of Italy want the treaty to be ratified, and that newspaperman is a Communist; that is what is said about him, and I think I can prove that, if proof is desired. On the other side of the ledger, we have the expressed sentiment of the legislative body of Italy which is comparable to the Senate of the United States, and it is pleading with Members of the United States Senate not to ratify the treaty.

Let me read again to the Senate the sentiment of the Italian Foreign Minister:

> Never in act, word, or written document has the Italian Government sought to say or to imply that it favored ratification of the onerous peace treaty.

Furthermore, he warned the Italian people against the illusion that Italy's eventual membership in the United Nations could change the hardships resulting from this treaty.

It is admitted even by those favoring ratification that efforts to revise the treaty through the United Nations or otherwise could be started immediately the treaty is ratified. To this I say: Why do we have to make a patient sick in order to cure him? And can we cure him? It is a fact that once these treaties are ratified, none of them can be peacefully revised without the full consent of all the signatories, and that would be a terrific job.

Mr. President, I think there should be no further doubt in the mind of any Senator as to the real sentiment of the Italian people regarding this treaty.

There should be very little doubt, it seems to me, as to how the true interests of the Government and people of the United States can best be served in the matter at hand.

Mr. President, once again I wish to say, in concluding my remarks, that I have spoken independently as a Senator, and that I have done so, as set forth by the distinguished Senator from Michigan, in accordance with what I believe to be my duty; and I have arrived at these conclusions individually because I feel that a postponement of this treaty for the period which has been suggested would provide the very solution for which the Italian people are pleading tonight. I think that to do so would place the American people in a better position in the Mediterranean area insofar as concerns the carrying out of the Truman philosophy and program in Italy, as well as in Greece, Turkey, and elsewhere.

Mr. CONNALLY. Mr. President, I wish to suggest that as soon as I can obtain recognition tomorrow, I expect to address the Senate on the pending question.

Mr. VANDENBERG. Mr. President, I am very happy that the able Senator from Texas has given that notice. Let me say that in the unanimous-consent agreement, there is nothing which would require a division of the time tomorrow during the further consideration of the treaty. It seems to me there should be at least a voluntary effort to divide the time tomorrow as evenly as possible. So I say to Senators that so far as the President pro tempore of the Senate is concerned, he will undertake voluntarily to divide the time tomorrow, before 2 o'clock, between the proponents and the opponents.

Mr. WHERRY. Mr. President, I thank the distinguished Senator from Michigan for that announcement, because several Senators have stated to me that they would like to have time tomorrow to speak on the treaty, and I knew that the unanimous-consent agreement did not provide for a division of the time.

Will the Senator from Michigan allot the time for both sides?

Mr. VANDENBERG. Yes; I shall undertake to do so for both sides.

Mr. WHERRY. I assure the Senator that we have the utmost confidence in him and we shall be glad to have him divide and allot the time for both sides.

Mr. VANDENBERG. I thank the Senator.

RECESS

Mr. WHERRY. Mr. President, if there is nothing further to come before the Senate at this time, I move that the Senate take a recess until tomorrow at noon.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate, as in executive session, took a recess until tomorrow, Thursday, June 5, 1947, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 4 (legislative day of April 21), 1947:

DIPLOMATIC AND FOREIGN SERVICE

Hugh S. Cumming, Jr., of Virginia, for appointment as a Foreign Service officer of class 1 and a secretary in the diplomatic service of the United States of America.

A. Cyril Crilley, of Maryland, for appointment as a Foreign Service officer of class 2 and a secretary in the diplomatic service of the United States of America.

Carlile Bolton-Smith, of Tennessee, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons, for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

Clyde L. Clark, of Indiana.

Charles K. Ludewig, of the District of Columbia.

Charles Philip Clock, of California, for appointment as a Foreign Service officer of class 5, a vice consul of career, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 6, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Robert G. Braden, of California.
William C. Canup, of Michigan.
Harold E. Engle, of Kansas.
Richard A. Ericson, Jr., of Minnesota.
Philip E. Haring, of Pennsylvania.
Edward C. Ingraham, Jr., of New York.
Richard G. Johnson, of New York.
David S. McMorris, of Alabama.

COLLECTOR OF INTERNAL REVENUE

F. Clyde Keefe, of New Hampshire, as collector of internal revenue for the district of New Hampshire, in place of Peter M. Gagne, deceased.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment in the Regular Corps of the Public Health Service:

To be junior assistant nurse officers (equivalent to the Army rank of second lieutenant), effective date of oath of office:

Dorothy A. Turner	Carlotta A. Ballantyne
Joan M. Norkunas	
Augusta M. Christopher	Leona R. Cubinsky
	Winifred Woods
Anna B. Barnes	Margaret M. Sweeney
Alice I. Shedd	Elaine Felt
Essie E. Lee	Patricia H. Parnell
Joyce B. Rieling	Josefina Sanchez
Virginia L. Roberts	Ann M. Zidzik
Evelyn J. Guess	Ruth I. Webb
Nelle F. McCarthy	Alice M. Driscoll
Pauline M. Gronas	Elsie M. Pinkham
Catherine J. Lyons	Barbara A. Emerson
Ardyth M. Buchanan	
Dolores T. Stang	

To be assistant nurse officers (equivalent to the Army rank of first lieutenant), effective date of oath of office:

Mary V. Ward	Maryrose Johnston
Ruth A. Johnson	Gertrude I. Miller
Winifred M. Mendez	M. Elizabeth McBride
Arne L. Bulkeley	Sally Wladis
Jeannette Bedwell	Marie F. Hanzel
M. Lois McMinn	Eleanor E. Wagner
Emijean Snedegar	Flora Jacobs
Sylvia Simon	Ina L. Ridlehoover
Stella M. Williams	Adele L. Henderson
Olive J. Faulkner	Marion C. Burns
Philomene E. Lenz	Helen E. Enright
Mabel Pelikow	Henrietta Smellow
Jean C. Feely	Mathilde A. Haga
H. Jean McIver	Gertrude L. Anderson
Helen Gertz	Latis M. Campbell
Lucille E. Corcoran	Henrietta Rust
Dorothy G. Erickson	Myra I. Johnson
M. Estelle Hunt	Irma C. Thomsen
Mary E. McGovern	Irma M. Lamberti
Mildred T. Bogle	

To be senior assistant nurse officers (equivalent to the Army rank of captain), effective date of oath of office:

Elisabeth H. Boeker	Alice M. Fay
L. Margaret McLaughlin	Catherine L. Mahoney
	Margaret E. Willhoit
Edna A. Clark	Opal B. Stine
Miriam K. Christoph	Genevieve S. Jones
Ella Mae Hott	Daphine D. Doster
Alice E. Keefe	Frances S. Buck
Margaret Denham	Anna M. Matter
Eleanor J. Gochanour	Josephine I. O'Connor

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

TO BE MAJOR GENERALS

Lt. Gen. Alvan Cullom Gillem, Jr. (brigadier general, U. S. Army), Army of the United States, vice Maj. Gen. Wilhelm Delp Styer, United States Army, retired April 30, 1947.

Lt. Gen. Wade Hampton Haislip (brigadier general, U. S. Army), Army of the United States, vice Maj. Gen. Clarence Self Ridley, United States Army, who retires June 30, 1947.

Lt. Gen. Walton Harris Walker (brigadier general, U. S. Army), Army of the United States, vice Maj. Gen. James Eugene Chaney, United States Army, who retires July 31, 1947.

Lt. Gen. Hoyt Sanford Vandenberg (brigadier general, U. S. Army), Army of the United States, vice Maj. Gen. Jonathan Mayhew Wainwright, who retires August 31, 1947.

Lt. Gen. George Edward Stratemeyer (brigadier general, U. S. Army), Army of the United States, vice Maj. Gen. Ira Clarence Eaker, United States Army, who retires August 31, 1947.

TO BE BRIGADIER GENERALS

Maj. Gen. Joseph May Swing (colonel, Field Artillery), Army of the United States, vice Brig. Gen. Alvan Cullom Gillem, Jr., United States Army, nominated for appointment as major general.

Maj. Gen. Edward Hale Brooks (colonel, Field Artillery), Army of the United States, vice Brig. Gen. Wade Hampton Haislip, United States Army, nominated for appointment as major general.

Maj. Gen. Wilton Burton Persons (colonel, Signal Corps), Army of the United States, vice Brig. Gen. Walton Harris Walker, United States Army, nominated for appointment as major general.

Maj. Gen. Clements McMullen (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. Hoyt Sanford Vandenberg, United States Army, nominated for appointment as major general.

Maj. Gen. Howard Arnold Craig (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. George Edward Stratemeyer, United States Army, nominated for appointment as major general.

IN THE NAVY

The following-named (Naval ROTC) to be ensigns in the Navy from the 6th day of June 1947:

Bernard N. Bloom

Billy A. Dodge

The following-named (Naval ROTC) to be ensigns in the Navy from the 6th day of June 1947, in lieu of assistant civil engineers in the Navy with the rank of ensign, as previously nominated and confirmed:

Maurice A. Person

Donald R. Williams

The following-named (Naval ROTC) to be ensigns in the Navy from the 6th day of June 1947, in lieu of ensigns in the Navy as previously nominated and confirmed, to correct spelling of name:

Charles R. Hannum

Donald J. Weintraut

George T. Younggren

Joseph W. Neudecker, Jr. (Naval ROTC) to be an assistant civil engineer in the Navy with the rank of ensign, from the 6th day of June 1947, in lieu of an ensign in the Navy as previously nominated and confirmed.

Francis Roche (civilian college graduate) to be an assistant paymaster in the Navy with the rank of ensign.

WITHDRAWALS

Executive nominations withdrawn from the Senate June 4 (legislative day of April 21), 1947:

IN THE ARMY

TO BE MAJOR GENERALS

Lt. Gen. Alvan Cullom Gillem, Jr. (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Wilhelm Delp Styer, United States Army, retired, April 30, 1947.

Lt. Gen. Wade Hampton Haislip (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Clarence Self Ridley, United States Army, who retires June 30, 1947.

Lt. Gen. Walton Harris Walker (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Ira Clarence Eaker, United States Army, who retires July 31, 1947.

Lt. Gen. Hoyt Sanford Vandenberg (brigadier general, United States Army), Army of the United States, vice Maj. Gen. James Eugene Chaney, United States Army, who retires July 31, 1947.

Lt. Gen. George Edward Stratemeyer (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Jonathan Mayhew Wainwright, who retires August 31, 1947.

TO BE BRIGADIER GENERALS

Maj. Gen. Joseph May Swing (colonel, Field Artillery), Army of the United States, vice Brig. Gen. Alvan Cullom Gillem, Jr., United States Army, nominated for appointment as major general.

Maj. Gen. Edward Hale Brooks (colonel, Field Artillery), Army of the United States, vice Brig. Gen. Wade Hampton Haislip, United States Army, nominated for appointment as major general.

Maj. Gen. Wilton Burton Persons (colonel, Signal Corps), Army of the United States, vice Brig. Gen. Walton Harris Walker, United States Army, nominated for appointment as major general.

Maj. Gen. Clements McMullen (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. Hoyt Sanford Vandenberg, United States Army, nominated for appointment as major general.

Maj. Gen. Howard Arnold Craig (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. George Edward Stratemeyer, United States Army, nominated for appointment as major general.

NOTE.—These nominations are withdrawn due to the change in the effective date of retirement of General Eaker from July 31, 1947, to August 31, 1947. For reasons stated above these names are being resubmitted in a revised nomination.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 4, 1947

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, our Heavenly Father, the morning light has broken and Thy mercy has embraced us; surely Thy goodness endures forever. We praise Thee that Thou dost make known Thy loving kindness; while all earthly things are transient, we are grateful for the blossoming in the wilderness, untouched and unsmitten. The richest treasures of life are invisible and known only to the human heart, whose gifts cannot be weighed, measured, or counted.

In our contention against evil, O Lord, quicken every laggard step, every faltering heart and hesitant mind, and give triumph to courage and the sense of justice born of goodness. Cleanse our minds and purge our lips from all irreverent and evil speaking, and may we be as prophets rising above confusion, pointing the way that was hallowed by our fathers, who served and died to keep men free. O direct us until our consciences accept the holiness of Thy law and we become united with the purpose of Thy holy will.

Through Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) entitled "An act to reduce individual income-tax payments."

THE SUGAR SITUATION

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Speaker, I have been looking into the sugar situation a little, and I find there is an immense amount of sugar in the warehouses and in the refineries, in many instances more than they are able to take care of. I also find that the sugar situation is much better than it was last year, that they are expecting a considerable increase in imports from Cuba and other countries in the next few months. Taking these facts into consideration, I take this time to suggest to the Department of Agriculture and to those who have charge of allocation and distribution of sugar that they look into this matter and allow an extra 10 or 15 pounds per capita to the home canners, to take effect not later than July 1, and not wait until it is too late. With the sugar situation as it now stands, I urge the Department of Agriculture to take early action to provide for this extra canning sugar. In order that we may preserve and keep from waste millions of pounds of food, I think something ought to be done by the Department of Agriculture for the home canners of the country and to save all food available rather than to allow it to go to waste.

The SPEAKER. The time of the gentleman from Illinois has expired.

GREECE AND TURKEY

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, during the debate on the late lamented Greek-Turk aid bill there were many of us who contended that matter should have been referred to the United Nations for action. Much to my surprise, today I find that one of the distinguished delegates to United Nations, Mr. VANDENBERG, rose in great wrath and denounced the action of the Communists in Hungary in taking over that Government. In the Greek-Turkish matter Mr. VANDENBERG said the United Nations was not equipped to act. But yesterday that distinguished gentleman said that the United Nations can and may be called upon. Mr. Speaker, what kind of consistency is this? Mr. VANDENBERG has jumped from the frying pan into the fire. If this is what is called a bipartisan foreign policy, I want none of it.

I am seeking light because I want to know if the United Nations should act for Hungary why is it not good also for the United Nations to act in Greece and Turkey?

I would like an answer to that question.

DEATH OF THE OPA

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAVIN. Mr. Speaker, it is with deep regret that I arise to announce that a significant event of great importance took place last Saturday, May 31—an event that received but little recognition and no comment. That was the official death of the OPA.

During its lifetime the OPA commanded great attention and played an important part in the economic structure of America.

It has gone to its reward, along with the NRA, the OWI, and the Office of Culture and Information. They, too, enjoyed great prestige during their short but exciting existence.

The OPA will always be something to be remembered but not talked about, and its passing can be properly recorded under the head of public improvements. Farewell.

[From the Bristol (Pa.) Courier of June 2, 1947]

DEATH OF THE OPA

Officially, Saturday marked the death of OPA—Office of Price Administration—which was by all odds the most controversial and least satisfactory of the many agencies created for the war.

The OPA was in constant hot water, during and after the war emergency, both because it came closely in contact with the private lives of American citizens and because so much of its activities failed to get the expected results.

In looking back at the OPA, future generations will want to ask many questions. This is especially true if the present drift toward a Third World War continues. Then the problem will rise, inevitably, whether to re-create OPA or try something different.

In evaluating OPA let's go back to first principles. The question often is heard, "Was there really need for price controls and rationing, or were they simply used as excuses for putting political favorites on the pay roll?"

The answer to that question is not simple. If it must be answered "yes" or "no," then "yes" has to be the reply, but for very definite reasons, which OPA itself seems never to have understood.

Rationing was necessary, in some form or other, for two reasons: First, to assure fair distribution of scarce items; second, as an evidence of good faith to our foreign allies, who were "up against it" for lack of many items abundant here and dependent upon our supplies for their survival.

Pearl Harbor cut the "rubber life line" of the United States. It also disrupted the Nation's sugar supply. Need for rapid production of arms and ammunition gobbled up our stocks of many other commodities—tin, copper, etc.

Price control, under the circumstances, was almost inescapable. Had Uncle Sam and private purchasers gone into price competition with each other for these items, "profiteers" would have tried to corner the market, and there would have been turmoil and extravagant waste.

The second basic question which had to be answered when rationing and price control were decided to be necessary was how these regulations were to be administered. There was a definite choice in the matter. During the First World War this was done by about 90 percent voluntary effort, and public morale was built up to make the rules largely self-enforcing. This was one way to do the job.

The other way was to copy the European invention of the past two generations—what is called bureaucracy. That meant the creation of a vast Federal agency which would have, in effect, the power to make its own rules (legislative authority); the power to enforce its rules (executive authority); and the power to determine whether its employees or the unhappy civilians who complained were in the right (judicial authority).

Widespread as bureaucracy has become in the Federal Government, it is and always will be contrary to the intention of the Constitution and therefore repugnant to the American sense of how the country ought to be run.

First announcements of OPA, back in the defense period, were carefully worded to give two impressions, both of which presently developed to be fraudulent. One was that the voluntary phase of enforcement would be emphasized. The other was that the power back of the controls would be not new powers in the hands of Uncle Sam but the so-called police power of the States, once assumed to be their most important sovereign right under the Constitution.

States organized the OPA. Local boards were created which, at the start-off, had wide discretion to meet unusual problems.

Presently, however, the whole structure was taken over out of Washington. Directives of such complexity that no two attorneys could agree on their meaning were dumped on the local boards. Those were the days of the famous order that no more female steers should be slaughtered for beef. A host of bright young college graduates, still damp behind the ears, and most of them with conspicuous political contacts in the New Deal, moved in. They had a field day. No one knew what they were trying to do—not even themselves. If something worked out a way they disliked, they simply passed a new rule—retroactively, in many cases.

State cooperation in the program was blasted by the creation of districts—Pennsylvania, for example, was suddenly being run out of New York, along with New Jersey, Delaware, Maryland, and the District of Columbia. Those in charge knew less than nothing about the internal problems in this State. For a time there was uncertainty in the chain of command. Some Washington instructions said the States were still in charge, with the New York office purely advisory in capacity; others that the New York office was in the saddle. There was confusion about the status of the Third Corps Army Area, which had different geographic boundaries, and some authority over many of the questions.

The real troubles of OPA dated from this take-over, which had all the earmarks of a political coup by the New Deal bureaucrats at Washington. Local board members resigned singly and en masse. Voluntary help—school staffs, unpaid recruits from patriotic organizations, etc.—were presently displaced for a gigantic paid staff hired by some mysterious hocus-pocus which, however it worked, never drew any protests from Democratic campaign committees.

Scandals, charges of favoritism, and hints of corrupt practices began at once. Industrial concerns soon found it expedient to employ Washington representatives. Building materials were much too scarce for the ordinary person to build a home or enlarge his building, yet available for those with the right contacts to build racing tracks, new taprooms, and the like.

Those who at the top took over the voluntary system of price controls and rationing were mainly disciples of socialism and the new order. Presently it developed that the controls were to be used in an effort to put across a social revolution along communistic lines.

Price controls were used not to prevent outright profiteering, as at first intended, but to redistribute wealth—just as Marx and Lenin and Stalin preached. Presently any profit was being construed as mischievous, and prices were held down to prevent them.

Thereby arose another great stumbling block on which OPA tripped. It presently became obvious that the things which OPA concentrated on became scarcer and scarcer, while other articles, which OPA had overlooked, continued available at prices which, considering the rise in all costs, were not exorbitant.

The shortages in sugar, gasoline, and rubber—three of the most disturbing scarcities—might have been relieved within a year to a year and a half, under efficient management. They continued throughout the war, and were worse after a couple of years of OPA than when OPA was created.

OPA went into politics, trying to keep Congress from clamping down on its abuses. Impressive publicity staffs were hired, radio orators were put to work, there were tie-ins with liberal groups of all kinds, including the bosses of the CIO and PAC. For months the country seethed with the OPA issue. Congress and the people were determined to do away with it at the first opportunity; the OPA itself preached, over and again, the idea of how much it would like to be made a permanent part of our Government.

About a year ago, the OPA fight broke wide open. The CIO chiefs talked President Truman into vetoing a compromise bill decontrolling OPA over a period of months. After several weeks in which there was no OPA, a new OPA bill was passed. This the President hailed as about what he wanted, and he signed it; but it was so hopelessly muddled, both in the law itself and its enforcement, that shortly before the November election President Truman, in desperation, wiped the bulk of the controls out of existence.

Since then OPA has operated on borrowed time. Its once gigantic staff has largely been reabsorbed in congenial jobs in other, less controversial Federal bureaus. Its few remaining powers have been parcelled out elsewhere.

Saturday, officially, it came to an end.

And with its passage dies the bureau which made the most serious and hardest fight yet attempted to throw the American free economy into a collectivist dictatorship.

Its epitaph can be short and sweet: "Good riddance."

EXTENSION OF REMARKS

Mr. JOHNSON of Indiana asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. AUCHINCLOSS asked and was given permission to extend his remarks in the RECORD and include an address by Mr. HERTER, of Massachusetts.

Mr. LATHAM asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. TWYMAN asked and was given permission to extend his remarks in the RECORD in two instances.

THE STRANGE WAYS OF THE WAR ASSETS ADMINISTRATION

Mr. BUCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BUCK. Mr. Speaker, a manufacturer from the district I represent wrote me as follows on May 26 with regard to sales methods of War Assets Administration:

When our representative was down in Philadelphia a few days ago for the opening of bids, they were offering for sale buckles and slides. One bidder interested only in the buckles offered $2.85; another bidder offered $1.90 for the buckles and slides.

Inasmuch as the $2.85 bid was not in accordance with the proposal, it was thrown out and the award made to the $1.90 bidder;

however, the higher bidder protested with the result that all bids were canceled and a new invitation resulted in the lot being sold—that is, both buckles and slides—at $2 per thousand.

Apparently, Mr. Speaker, we hope for too much when we hope for horse sense on the part of the bureaucrats charged with the administration of our governmental functions.

The same constituent has drawn my attention to the fact that the Louisville, Ky., office of War Assets Administration advertised a sale to open on May 23, 1947, of an item of hardware at the very moment when the Army Quartermaster Depot at Philadelphia was receiving bids on a lot of 1,000,000 of an identical article.

Alas, the poor taxpayer.

AMENDING VETERANS' PREFERENCE ACT OF 1944

Mr. ALLEN of Illinois, from the Committee on Rules, reported the following privileged resolution (H. Res. 231, Rept. No. 512), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1389) to amend the Veterans' Preference Act of 1944. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. HORAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a statement I made before the Committee on Public Works this morning.

The SPEAKER. Without objection, the extension may be made.

There was no objection.

Mr. BOGGS of Louisiana asked and was given permission to extend his remarks in the RECORD in two instances, to include in one an editorial appearing in the New Orleans States, and in the other an address by Mr. Salon B. Turman.

Mr. RIVERS asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the board of directors of the National Oil Marketers Association.

MILITARY POSTS

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'TOOLE. Mr. Speaker, any effort to take strength from or lower the efficiency of the War Department at the present time would be the most serious mistake that this Congress could make. I believe every effort should be made to make the Army a more formidable group than it is at the present moment. This can be done and at the same time a greater degree of efficiency can be achieved by the suggestion that I am about to make.

Let the War Department immediately abolish the hundreds of obsolete military posts and Coast Artillery installations that no longer serve any useful purpose. Let the entire Army in the United States be placed in five or six now available gigantic cantonments where they could be grouped and trained as brigades and divisions. Under this plan Quartermaster Corps, Field Artillery, Infantry, Engineers, Signal Corps, and other branches which comprise the modern Army could train and work together. This is not possible now. In some cases battalions of the same regiment are separated by as much as 200 miles and never receive an opportunity to work and drill with the other groups comprising their outfit. It would prepare officers of the upper level for the task of handling large numbers of men. It would make possible the everyday study of tactical problems, and it would above all develop a feeling of strength and a far better esprit de corps than exists today. At the same time that a finer training was being given to our Army, the taxpayers would be saved hundreds of millions of dollars a year because of the concentration of these forces and the abandonment of useless posts.

INDIA'S FREEDOM

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, fast and furious history is being made in India. Great Britain has offered a solution to the political difficulties of India and has suggested the division of India into two countries, Pakistan and Hindustan, the latter to comprise most of the 310,000,000 Hindus and the former to comprise of approximately 90,000,000 or less Moslems. It is interesting to note, and very creditable also, that the Indian leaders have accepted the solution, that Britain will get out and transfer power to the Indians this summer. Leaders Nehru for the Hindus and Singh for the Sikhs and Jinnah for the Moslems have all shown great statesmanship in the acceptance of this latest British proposal. It should prevent much shedding of blood. We are vastly interested in the 400,000,000 Indians. There are great possibilities of enhanced trade between the United States and India, and it points up the need for the setting up of a commission to consummate eventually a treaty of peace, commerce, and navigation with either one India or two Indias. We have sent an Ambassador to India, which indicates our vast interest in this great domain, and if there are to be two countries, we may have to send another Ambassador. But, in any event, we should focus our attention to a great degree upon India, because we are losing much if we do not do so.

We can gain, India can gain from a better mutual understanding—both can gain culturally, spiritually, commercially, and economically.

Too little, unfortunately, is known by each of the other. Most Americans still think of India as a land of minarets and performers of the rope trick. Indians in the main look upon Americans as rough cowboys and bathing beauties.

Although I deem Pakistan a mistake, yes, and a rank appeasement of Jinnah; if that is what India wants, let her have it. In my humble opinion Pakistan and Hindustan will only deepen the cleavage between Hindus and Moslems. Pakistan would roughly comprise the Provinces of Bengal and Assam in the northeast and Punjab Sind, Baluchistan, and North-West Frontier—all in the northwest. Thus Pakistan would be like two arms without a body. It could not exist as a nation. Then again the Hindus and Sikhs are demanding and will get a further partition in these Provinces, especially Bengal and Punjab. Thus Pakistan will be a truncated Pakistan. But if that is the way to peace, so be it. India, all of it, has our blessings.

EXTENSION OF REMARKS

Mr. KENNEDY asked and was given permission to extend his remarks in the RECORD in two instances, and include in one three resolutions from his district supporting the Wagner-Ellender-Taft bill, and in the other a letter from the Cambridge Committee for a Living Wage.

Mr. BUCHANAN asked and was given permission to extend his remarks in the RECORD and include an editorial from the New York Times.

Mr. HUGH D. SCOTT, JR., asked and was given permission to extend his remarks in the RECORD and include an article by George Sokolsky appearing in today's Times-Herald in connection with the proposed increase in the postal rates.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. REES asked and was given permission to extend his remarks in the RECORD and include a newspaper statement.

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in two instances and in one to include a magazine article.

Mr. HOPE asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. RANKIN. Mr. Speaker, on yesterday afternoon I was granted permission to extend my remarks in the RECORD and include certain extraneous matter. I stated that it exceeded the two pages of the RECORD permitted, but was granted permission to insert it regardless of that fact. However, the Public Printer informs me that I have to submit the amount, which is $449.67. I ask unanimous consent that this article may be

printed regardless of the fact that it exceeds the limit.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

TERMINAL-LEAVE PAYMENTS

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I hold in my hand today an armed forces leave bond which was issued to me as an enlisted man of the armed forces after the late war, the same as was issued to other enlisted personnel of the armed forces. Many of you have probably never seen one of these bonds but it is, as so stated on the back, nonnegotiable and nonassignable except to the Administrator of Veterans' Affairs to be used in payment of premiums, loans, and interest on national service life insurance.

I wish to compliment this House on passing a bill last year to make these bonds payable in cash, and am sorry the other body did not see fit to concur.

Many of our soldiers are now going through a period of readjustment. They are in school, or making an attempt to get started in business or to establish a home. It is very important at this time that they have the use and benefit of these bonds because they feel, and I feel, that the bonds will be needed more right now than 5 years from now, and those who wish to save the bonds will be permitted to do so but the average American GI feels that this whole matter of terminal leave pay was a discrimination against him and a violation of the principles for which he fought. They were led to believe that they were fighting for democracy, for equal rights for all people, and against discrimination in any form.

These GI's feel that it is the duty of this Congress to make these bonds negotiable in order that if they so desired they may obtain cash which they can use to make payments on furniture in their homes, on their homes, or to be used in furthering their education or getting started on some farm. I believe that the GI's of America have a just cause to carry before this Congress and I think these bonds should be made negotiable now. Therefore, I advocate the passage during this session of the Congress of the Rogers bill, H. R. 3521.

SPECIAL ORDER GRANTED

Mr. HUGH D. SCOTT, JR. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TWO GREAT VICTORIES FOR CHRISTIAN NATIONS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I did not quite understand the hysterical references of the gentleman from New York [Mr. CELLER] to what is taking place in India; but I do know that two things took place in the world on yesterday that are most encouraging to the Christian nations of the earth, and most discouraging to the communistic elements throughout the world.

One of them was the announcement by President Truman of the settling of our alleged differences with Argentina, that great South American country, with which we have been at odds because of certain Communist elements trying to stir up trouble for us in South America. In announcing that settlement President Truman issued the following statement:

The Argentine Ambassador, who has just returned from Argentina, reviewed with the President and the Secretary of State the steps which his Government has taken and is continuing to take in fulfillment of its commitments undertaken in the Final Act of the Inter-American Conference on Problems of War and Peace. He expressed the view of his Government that no obstacle remained to discussions looking toward the treaty of mutual assistance contemplated by the Act of Chapultepec. The President indicated his willingness to renew the consultations with the Governments of the other American republics initiated by the United States memorandum of April 1, 1946, on this subject.

Another one was the settling of the differences between the British Empire and the various factions in India, a solution which seems to be satisfactory to them all, and which will be most distasteful to the Communists who are trying to use India to stir up trouble for Great Britain.

At this point I am inserting the statement of Prime Minister Clement R. Attlee announcing the settlement. It reads as follows:

LONDON, June 3.—The text of Prime Minister Clement R. Attlee's statement on the British plan for Indian self-rule:

"I desire to make an important statement on Indian policy. A similar statement is being made at the same time in the House of Lords and by the Viceroy in New Delhi. The statement, in the form of a white paper, will be available this afternoon.

"I am glad to inform the House that the plan contained in the announcement which I am about to make, including the offer of dominion status to one or two successor authorities, has been favorably received by all three parties represented at the conferences held by the Viceroy with Indian leaders during the past 2 days.

"Before making the statement I would like to express the gratitude and appreciation of the British Government of the great services which the Viceroy has rendered.

"1. On February 20, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to cooperate in the working out of the cabinet mission's plan of May 16, 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled."

MOSLEMS HOLD ALOOF

"2. The majority of the representatives of the provinces of Madras, Bombay, United Provinces, Bihar, Central Provinces, and Berar, Assam, Orissa, and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new constitution. On the other hand, the Moslem League Party, including in it a majority of representatives of Bengal, the Punjab, and Sind, as also the representative of British Baluchistan, has decided not to participate in the constituent assembly.

"3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below.

"His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

"4. It is not the intention of His Majesty's Government to interrupt the work of the existing constituent assembly. Now that provision is made for certain provinces specified below, His Majesty's Government trust that as a consequence of this announcement the Moslem League representatives of those provinces, a majority of whose representatives are already participating in it, will now take their due share in its labors."

BEST PRACTICAL METHOD

"At the same time it is clear that any constitution framed by this assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their constitution is to be framed:

"(a) In the existing constituent assembly; or

"(b) In a new and separate constituent assembly consisting of the representatives of those areas which decide not to participate in the existing constituent assembly.

"When this has been done it will be possible to determine authority or authorities to whom power should be transferred.

"5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one representing the Moslem majority districts and the other the rest of the Province. For the purpose of determining the population of districts the 1941 census figures will be taken as authoritative. The Moslem majority districts in these two Provinces are set out in the appendix to this announcement."

WILL VOTE ON PARTITION

"6. The members of the two parts of each legislative assembly, sitting separately, will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favor of partition, division will take place and arrangements will be made accordingly.

"7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which constituent assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united.

"Therefore, if any member of either legislative assembly so demands, there shall be held a meeting of all members of the legislative assembly (other than Europeans) at which a decision will be taken on the issue as to which constituent assembly the Province as a whole would join if it were decided by the two parts to remain united.

"8. In the event of partition being decided upon, each part of the legislative assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt."

TO SIT IN TWO PARTS

"9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Moslem majority districts (as laid down in the appendix) and non-Moslem majority districts. This is only a preliminary step of a purely temporary nature, as it is evident that for the purposes of final partition of these provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either province, a boundary commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Moslems and non-Moslems. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal boundary commission. Until the report of a boundary commission has been put into effect, the Provincial boundaries indicated in the appendix will be used.

"10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above."

EXCEPTIONAL POSITION

"11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing constituent assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

"12. British Baluchistan has elected a member but has not taken its seat in the existing constituent assembly. In view of its geographical situation, this province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor General is examining how this can most appropriately be done."

REFERENDUM ON SYLHET

"13. Though Assam is predominantly a non-Moslem province, the District of Sylhet, which is contiguous to Bengal, is predominately Moslem. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Moslem part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet District, under the aegis of the governor general and in consultation with the Assam Provincial Government, to decide whether the District of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new province of Eastern Bengal, if that province agrees. If the referendum results in favor of amalgamation with Eastern Bengal, a boundary commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Moslem majority areas of Sylhet District and contiguous Moslem majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will, in any case, continue to participate in the proceedings of the existing constituent assembly."

FRESH ELECTIONS REQUIRED

"14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet mission's plan of May 16, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this District should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

Province	General	Moslems	Sikhs	Total
Sylhet District	1	2	0	3
West Bengal	15	4	0	19
East Bengal	12	29	0	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

"15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing constituent assembly or form a new constituent assembly.

"16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon:

"(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including defense, finance, and communications.

"(b) Between different successor authorities and His Majesty's Government on treaties in regard to matters arising out of the transfer of power.

"(c) In the case of Provinces that may be partitioned, as to administration of all Provincial subjects such as the division of assets and liabilities, the police and other services, the high courts, Provincial institutions, etc.

"17. Agreements with tribes of the northwest frontier of India will have to be negotiated by the appropriate successor authority."

STATES POLICY UNCHANGED

"18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy toward the Indian States contained in the Cabinet mission memorandum of May 12, 1946, remains unchanged.

"19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all of the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently, as far as practicable within the conditions of this plan, the existing constituent assembly and the new constituent assembly (if formed) will proceed to frame constitutions for their respective territories; they will, of course, be free to frame their own rules.

"20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a dominion status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of Indian constituent assemblies to decide in due course whether or not the part of India in respect to which they have authority will remain within the British Commonwealth.

"21. His Excellency the Governor General will, from time to time, make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements."

APPENDIX

Moslem majority districts of Bengal and the Punjab according to the 1941 census:

Bengal, Chittagong Division: Chittagong, Noakhali, Tippera; Dacca Division: Bakarganj, Dacca, Faridpur, Mymensingh; Presidency Division: Jessor, Murshidabad, Nadia; Rajshahi Division: Bogra, Dinajpur, Malda, Pabna, Rajshabi, Rangpur.

Punjab, Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot; Rawalpindi Division: Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur; Multan Division: Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

Former Prime Minister Winston Churchill congratulated Mr. Attlee on this agreement.

It seems that the settlement is satisfactory also to the various factions in India as will appear from the following excerpts from radio addresses delivered in New Delhi by their respective leaders. The matter referred to follows:

NEW DELHI, INDIA, June 3.—Following are excerpts from the radio addresses tonight of the Viceroy, Viscount Mountbatten, Pandit Jawaharlal Nehru, representing the Congress party, Mohammed Ali Jinnah, representing the Moslem League, and Sardar Baldev Singh, representing the Sikh community, concerning the British proposals in respect to India.

VISCOUNT MOUNTBATTEN

"With a reasonable measure of good will between the communities a unified India would have been the best solution. It is regrettable that it has been impossible to attain agreement on any plan preserving unity.

"But there can be no question of coercing any large areas in which one community has a majority to live against their will under a government in which another community has the majority—and the only alternative to coercion is partition.

"But when the Moslem League demanded the partition of India, the Congress party used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable. And so I felt it was essential that the people of India themselves should decide this question of partition.

"The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two governments is set up in the statement which will be read to you.

"The whole plan may not be perfect; but like all plans its success will depend on the spirit of good will with which it is carried out. I have always felt that once it was decided in what way to transfer power, the transfer should take place at the earliest possible moment. But the dilemma was that

if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly if partition were decided upon.

"The solution to this dilemma which I put forward is that His Majesty's Government should transfer power now to one or two Governments of British India, each having dominion status, as soon as the necessary arrangements can be made. This, I hope, will be within the next few months.

"I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session.

"I wish to emphasize that this legislation will not impose any restriction on the power of India as a whole or of the two new states if there is partition, to decide in the future their relationship to each other and to the other member states of the British Commonwealth.

"Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible."

PANDIT JAWAHARLAL NEHRU

"I am speaking to you on a historic occasion when a vital change affecting the future of India is before us.

"The British Government's announcement lays down the procedure for self-determination in certain areas of India.

"It envisages on the one hand the possibility of these areas seceding from India and on the other it promises a big advance toward complete independence.

"Such a big change must have the full concurrence of the people before it is effected, for it must always be remembered that the future of India can only be decided by the people of India and not by any outside authority, however friendly.

"We have therefore decided to accept these proposals and to recommend to our larger committees that they do likewise.

"We shall seek to build anew our relations with England on a friendly and cooperative basis, forgetting the past which has lain so heavily upon us.

"It is with no joy in my heart that I commend these proposals, though I have no doubt in my mind that this is the right course.

"For generations we have dreamed and struggled for a free and independent united India.

"The proposal to allow certain parts to secede if they so decide will be painful for any of us to contemplate.

"Nevertheless I am convinced our present decision is right even from the larger viewpoint.

"The united India we labored for was not one of compulsion and coercion, but a free and willing association of free people.

"It may be that in this way we shall reach a united India sooner than otherwise and that she will have a stronger and more secure foundation.

"Let us bury the past insofar as it is bad, and forget all bitterness and recriminations.

"Let there be moderation in speech and writing, let there be strength and perseverance and endurance in the cause we have at heart.

"Let us face the future, not with easy optimism or complacency or weakness, but with confidence and firm faith in India.

"There has been degrading violence in various parts of the country. That must end. We are determined to end it. Political ends are not to be achieved by methods of violence.

"On this eve of great changes in India we have to make a fresh start, with clear vision and a firm mind, with steadfastness and tolerance and with a stout heart."

MOHAMMED ALI JINNAH

"On the whole the reaction of Moslem League circles in Delhi has been hopeful.

"We have examined the British Government's statement cooly, wholly, and dispassionately. We have to take momentous decisions and have very big issues facing us in the solution of this complex political problem of this great subcontinent, inhabited by 400,000,000 people. It is a most onerous and difficult task.

"Therefore we must galvanize and concentrate all our energies to see that the transfer of power is effected in a peaceful and orderly manner.

"It is clear that the plan does not meet in some important respects our point of view, and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the plan.

"It is for us now to consider that the plan as presented to us by the British Government should be accepted by us as a compromise or a settlement.

"On this point I do not wish to prejudge the decision of the council of the All-India Moslem League which has been summoned to meet on Monday, June 9.

"In view of the projected referendum in the North-West Frontier Province, the Provincial Moslem League there has been requested to call off the movement of peaceful civil disobedience which they had perforce to resort to.

"Moslem League leaders and Moslems generally are now called upon to organize our people to face this referendum with hope and courage. We have confidence that the people of the North-West Frontier Province will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

"I feel that the Viceroy has battled against various forces very bravely, and he has left the impression on my mind that he was actuated by a high sense of fairness and impartiality.

"It is up to us now to make his task less difficult and help him as far as it lies in our power in order that he may fulfill his mission of the transfer of power to the peoples of India in a peaceful and orderly manner.

"I appeal to every community in India and especially to the Moslems to maintain peace and harmony.

"We must examine the plan, its letter and spirit, and come to our conclusion. It is for us to consider whether this plan as presented to us by His Majesty's Government will be accepted by us."

SARDAR BALDEV SINGH

"It would be untrue if I were to say that we are altogether happy. Seldom perhaps has a fulfillment like this been reached with so much fear and sorrow.

"Our common quest for freedom need never have divided and torn us asunder one from the other.

"This has actually taken place. The shadow of our differences has thrown its gloom over us. We have let ourselves be rent apart. We witness today, even on the day of our freedom, scenes of mutual conflict and horrors in so many parts of India.

"Neighbor has risen against neighbor; thousands of innocent lives have been lost; men, women, and children are roaming from one place to another homeless and without shelter.

"Untold losses, financial, cultural, and spiritual, have been inflicted in wide areas. We look as if we are a house divided against itself. The day indeed finds us an unhappy people.

"It is not necessary for me today to go into the reason for this affliction. We each have our faults.

"The plan that has now been announced steers a course obviously above the conflicting claims.

"It is not a compromise. I prefer to call it a settlement.

"It does not please everybody, not the Sikh community anyway, but it is certainly something worth while. Let us take it at that.

"We must not forget that we have no authority to let party disputes afflict our people now that we shall be masters in our affairs.

"We have big tasks, big and small, of reconstruction on our hands. Let us remember that it is only when the minds of our leaders are not deflected by internal quarrels that they can effectively handle these tasks for the common good.

"Our people have many needs that have remained unmet for years. Let us settle down to meet these needs and relieve the distress that haunts us.

"Whatever our own preferences, let us guard against a petty outlook and work together to set our country on the way to the greatness that certainly belongs to it.

"I believe with all my heart that the divisions that tend to keep us apart now will not last long. The very blueprint of our plans, so soon as we view it with care, will bind us together. Let us concentrate on common interests.

"During the last few weeks, large contingents of foreign troops have been deployed in various parts of the country to aid the civil government.

"These troops consist of trusted men, and they will give help to those in need and act also as the stern keepers of peace in the troubled areas. I want you to look upon the soldier as your friend.

"You, our soldiers, sailors, and airmen obviously are not uninfluenced by the great events that are taking place in India today. You will undoubtedly not allow yourselves to be needlessly perturbed. Your interests will in no circumstances be allowed to suffer."

Mr. Speaker, these developments seem to mark a turning point in world affairs, which may lead to an era of lasting peace.

To say the least, they constitute a victory for the Christian nations of the earth over the forces of atheistic communism throughout the world.

The SPEAKER. The time of the gentleman from Mississippi has expired.

ELECTION TO COMMITTEE

Mr. HALLECK. Mr. Speaker, I offer a resolution (H. Res. 232) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That ALVIN F. WEICHEL, of the State of Ohio, be and he is hereby, elected chairman of the standing committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OLD-AGE ASSISTANCE PAYMENTS

Mr. HOPE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the further consideration of the bill (S. 1072) to extend until July 1, 1949, the period during which income from agricultural labor and nursing services may be disregarded by the States in making old-age assistance payments without prejudicing their rights to grants-in-aid under the Social Security Act, and that the bill be referred to the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AVIATION ACCIDENTS

Mr. ROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSS. Mr. Speaker, on Monday I charged the Civil Aeronautics Authority with gross carelessness with respect to the United Airlines accident which occurred at LaGuardia Field.

I want to quote from an article by Gill Robb Wilson, aviation writer for the New York Herald Tribune. He says, in part:

The LaGuardia Field disaster is but another illustration of fundamental lack of eternal vigilance in air safety. I attribute that crash to the basic inadequacy of the north-south 3,533 foot runway for operation of very heavy four-engined aircraft.

Considering the load of the DC-4 which came to disaster, and the length of the runway, its use under any except high-velocity south-wind conditions constitutes a borderline operation. The take-off attempted hued too close to the line of the law and was scantily justified by the dictates of practical operating procedures. This does not constitute the kind of rigid vigilance expected from operators and authorities.

How close the use of this runway by four-engine planes is to the border line of safety is attested by the fact that one air line will not permit take-off upon it under any conditions by a DC-4 whose gross weight exceeds 55,000 pounds.

NEGLECT BRINGS GRIMNESS

The whole affair sums up, in the writer's judgment, as another illustration of those historic tolerations which have plagued aviation history. Sometimes it is a short runway, sometimes a hazard like the late gas tank that loomed in the path of aircraft near Chicago, or the tank still tolerated at Detroit, or other compromising conditions at many airports. Always eventually the answer is the same—tragedy.

Aviation is not so grim by far as these compromises make it appear. We make it grim by neglect of fundamentals such as use of a short runway strip by four-engined aircraft at the world's most important terminal.

Mr. Speaker, I contend that a thorough investigation will prove that proper safeguards and precautions were not taken, and that this accident is directly chargeable to the agency which permitted a regulation whereby an employee in the control tower could send a plane of that weight and size out on a runway which was of inadequate length. I understand that a committee of the House of Representatives is going to sit in with the CAB in their investigation.

I strongly want to urge that this committee broaden their investigation to include the entire safety regulation and inspection set-up of the CAA and CAB.

FOREIGN COUNTRIES HAVE PRIORITY OVER AMERICAN VETERANS

Mr. RIZLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RIZLEY. Mr. Speaker, I doubt very much if you gentleman who voted for the Greek-Turk loan bill realized that by doing so you gave a superior priority over all existing priorities now contained in the Surplus Property Act that we provided for veterans and our own departments of government.

I received today a letter from the general counsel of the War Assets Administration, Col. Larson, advising that both the State Department and the War Assets Administration had so construed the Greek-Turk Act as giving the provisions of that act affecting Surplus War Assets priority over veterans and everyone else in the present Surplus Property Act, for whom we provide priorities. In other words, the State Department and the President by Executive order can requisition surplus property in this country today and supersede priorities of veterans and others and send the property to Turkey or Greece.

OPA SAVED $100,000,000,000 IN COST OF WAR

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the OPA has been mentioned here this morning. I know it was a very unpopular agency with a lot of people but I know that if it had not been for the OPA during the war the cost of the war alone would have been $100,000,000,000 more. In other words, if it had not been for the OPA our war debt today would be at least $360,000,000,000 instead of $260,000,000,000. That is not considering the amount saved by the American people as consumers. It also helped to win the war. Workers will not work for worthless dollars. You have to protect their dollars to keep them working. That is what the OPA did during the war. Although it was regimentation and we did not like it, we submitted to it during the war with the expectation of getting rid of it just as quickly as possible after the war. We removed some controls too soon. We saved through OPA $100,000,000,000 on the national debt. From the time World War II started until it was over the price of steel and many other materials which were the largest factors in war cost did not increase one penny a ton in price. We can easily determine how much was saved on the war cost and the $100,000,000,000 estimate is conservative.

EXTENSION OF REMARKS

Mr. JONES of North Carolina asked and was given permission to revise and extend his remarks in the RECORD and include an editorial.

THE OPA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, when the gentleman from Texas stands up and makes such blatant assertions as he did a moment ago, he is simply talking about something that he cannot substantiate. Nobody can prove a figure or statement such as he just made. It sounds like Wallace, Bowles, or Mrs. Roosevelt; they were always making similar claims. I want to call to your attention that it is this gang who are hollering and bellyaching about doing away with the OPA and controls who today are offering resistance to every dollar that we are trying to save in this Government. They are a group of habitual, chronic, reckless spenders of public funds. They understand only deficit financing, and always place votes above the public welfare or our security. It does not make any difference what proposition comes along, proposed by the Republican side, to save a dollar, we meet this violent resistance on the other side of the aisle—the same old crowd that is bellyaching because the gravy train is stopping for them. If we would continue to be a great nation, we must remain solvent; and if we would continue to wield influence throughout the world, we must remain strong and united. It is about time that the Democrats of the House and the Democratic organization begin to get down to sound economy and sound practice and stop offering resistance every time we try to save a few dollars. We find the administration working through the Post Office Department, through the United States customs office, and through the Agriculture Department. Every agency of the Federal Government is lobbying, turning on the heat against Republican economy.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GROSS] has expired.

OLD-AGE RETIREMENTS

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAMEY. Mr. Speaker, the word "pension" is often misused. A pension is a gratuity. To be the recipient of retirement pay is not to receive a pension. The postal clerk, the Congressman, the judge, or Government worker who pays into a fund out of his earnings is, of course, not the recipient of a gratuity.

However, he has had a job and the opportunity to create a security for a future day in order that he may have maintenance and sustenance.

Two years ago I was one of the 39 who did not support the congressional retirement-pay plan. Not that I believed it was unjust, but it was my conviction that any retirement-pay plan should be extended to all the masses and not just to certain classes.

Let any retirement pay be equal and alike for all. Thus excessive bookkeeping and inspection could be eliminated. Everyone could be taken care of with much less expense than is now encountered under our haphazard old-age retirement system, which fails to cover many of our citizens.

May I suggest to all Members that you assist the Ways and Means Committee in working out this belated legislation and give such assistance as is necessary to

H. R. 16. Should there be suggestions for amendments, let them be submitted to the committee now.

The SPEAKER. The time of the gentleman from Ohio has expired.

EXTENSION OF REMARKS

Mr. LODGE asked and was granted permission to extend his remarks in the Appendix of the RECORD and include a speech he recently made.

Mr. JAVITS asked and was granted permission to extend his remarks in the RECORD and include Memorial Day speeches.

Mr. MAHON asked and was granted permission to include certain brief tables and excerpts in the remarks he will make today in Committee of the Whole.

REPEALING CERTAIN PROVISIONS OF PUBLIC LAW 388

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3203, an act relative to maximum rents on housing accommodations, to repeal certain provisions of Public Law 388, Seventy-ninth Congress, and for other purposes, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]? [After a pause.] The Chair hears none and appoints the following conferees: Mr. WOLCOTT, Mr. GAMBLE, Mr. KUNKEL, Mr. TALLE, Mr. SPENCE, Mr. BROWN of Georgia, and Mr. PATMAN.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I just made and include a statement issued by the White House yesterday and also statements issued in London and in India on the question involved.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1948

Mr. RICH. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H. R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other purposes, all points of order against title II of said bill or any provisions contained therein are hereby waived.

Mr. RICH. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. SABATH].

I yield myself such time as I may desire.

Mr. Speaker, this resolution waives all points of order against title II of H. R. 3678.

I can say nothing more than that this legislation under title II only takes away from the War Department the sum of $1,100,000,000, which was appropriated during 1946 and prior years. It is money that has not been accounted for in the spending for future Army needs previous to 1947, and there is no reason why, with the great national debt we now have, the Congress should not in every way save every dollar it possibly can. It is within the power of the Congress to take money already appropriated to any department of Government and say to them that no department of the Government may spend money appropriated and not allocated nor unexpended at this or any future time. I feel, therefore, that every Member of the House will concur in the request of the Appropriations Committee to have these funds impounded and retained in the Treasury. It looks as though Congress did not act in accordance to wise and judicial spending of moneys in 1946 and prior years.

Mr. Speaker, I now yield to the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, this rule again waives points of order on legislation on an appropriation bill. The only difference between the usual request of the Appropriations Committee for such a rule is that whereas as a general thing this type of rule waives points of order against legislation increasing appropriations, in this instance the reverse is the case, and the effort is to save money that the War Department could not expend from the 1946 appropriations. The amount they have been unable to get rid of in this instance amounts to $1,100,000,000.

Some will claim that the Republican Party is saving this much money. The facts are, Mr. Speaker, however, that in the last Congress we passed rescission bills amounting to $64,000,000,000. We did not, however, claim any credit for saving that amount of money; we merely provided that that amount of money which had been appropriated but not expended should remain in the United States Treasury.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. CASE of South Dakota. I think the gentleman has the idea correctly—that this is a continuation of the rescission program.

Mr. SABATH. That is correct.

Mr. CASE of South Dakota. These appropriations were not 1946 appropriations but 1946 and prior years; and as part of the recapture of money which had been appropriated for the prosecution of the war, which money, it developed, was no longer needed. Much of this is represented by money which had been made available to various theater commanders all over the world and the reports have come back to the central part of the War Department that they no longer need the money.

Mr. SABATH. That is correct; it is money that the War Department could not spend.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield for a question.

Mr. MAHON. Is it not true that the rescission here provided for, which we all favor, is in no way comparable to the $33,000,000,000 rescission made in War Department funds last year?

Mr. SABATH. It was $64,000,000,000, in all, from the War Department, Navy, and Maritime Commission—from every agency which had received emergency war appropriations.

Mr. MAHON. Is it not true that those rescissions are not comparable by reason of the fact that those funds rescinded last year represented live money which could be expended for any obligation of the War Department or for any program of the War Department for which the money had been appropriated, and that money would remain live money until the end of the fiscal year; that is, June 30, 1947; whereas this rescission today is for money that was previously appropriated in 1946 and prior years and cannot now be used for regular obligations of the War Department as would have been the case of the billions rescinded last year?

Mr. SABATH. The gentleman is correct.

Mr. MAHON. I should like to say to the gentleman, in order to keep the record straight, neither side of the aisle claims this is a saving. If the gentleman will read the report and read the remarks made on the bill, he will find nobody claims this is a saving. The reduction in this bill is under the budget by $475,000,000. I thank the gentleman for yielding.

Mr. SABATH. I thank the gentleman for his explanation.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Georgia.

Mr. COX. I think the gentleman is correct in the statement he has thus far made. Nobody is seeking to claim any political advantage as a result of the action that may be taken on this bill. The gentleman should take care to make clear that this bill takes from the War Department not a dime it needs for the carrying on of any program that it has set up or may set up.

Mr. SABATH. Again I thank the gentleman for his explanation. I am fully aware of the fact that the report does not claim any credit, but knowing the gentlemen on my left, my friends, the Republicans, I know they will claim that they are saving millions and billions of dollars, and I want to make it clear that that money has not been expended and that the War Department cannot expend it. This merely provides that it shall remain in the Treasury and cannot be spent for something that is not necessary.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Pennsylvania.

Mr. RICH. The fact of the matter is that the lavish spending that we had previous to 1946 and for a number of years thereto that got us into this great debt we are in now and which we are trying to pay off means that we do not want to leave any money in the hands of any department of Government that is not absolutely necessary for that department. It is only good sound business to retain it in the Treasury in order that some day we may be able to balance the budget and pay off this huge debt.

WE MUST AVOID WAR

Mr. SABATH. I am indeed immensely pleased that I can agree with the gentleman from time to time. I agree with him now that we should endeavor to bring about a reduction in our tremendous debt which was brought about by the terrible war. I hope every effort will be made on the part of each Member of this House and every citizen in the United States to avoid another war, although there are many who through their talk and actions are trying to force upon this Nation another war, so costly not only in money but in human lives. The money we will be able to repay, especially if you gentlemen will not reduce the taxes, and will use that money that you are trying to give to the big taxpayers toward repaying and reducing the public debt. The lives we can never repay, nor can we make up for the world-wide misery and destruction.

That is the reason I opposed the tax bill. That is the reason I feel it was unfair and unjustifiable to reduce the taxes to the big profiteers and the people that have made millions of dollars out of the war, and otherwise, due in part to legislation that they forced through the Congress. So, I feel it would be in the interest of the Nation that the surplus should be utilized, not to reduce the taxes on the wealthy, but to reduce the great debt that we incurred due to the war.

WHO WON THE WAR?

I am beginning to wonder whether we actually won this war we fought mainly for the eradication of fascism and nazism. Today they are rebuilding their war plants in Germany, and reestablishing their powerful cartels, the leaders of which were instrumental in encouraging and helping to finance Hitler and Mussolini and their armies.

Evidence is now coming to light every day showing that, notwithstanding our efforts to denazify Germany, she is rebuilding her steel plants and her vast chemical industries; and many of these plants, I understand, are being rebuilt with money advanced by Great Britain, no doubt out of the $3,250,000,000 we loaned to Great Britain.

I fear there is no one here on this floor who will live long enough to see that debt repaid.

I feel that when the time comes for payment even of the small interest we will again be called Shylocks as we were after the First World War.

GLAD TO GET OUR CLUTCHES ON THAT BILLION

I am not going to detain you very long, but I am mighty pleased to support this rule and the provision of the bill to put our clutches on that $1,100,000,000 so the War Department cannot spend it. I feel that if the committee had had all the facts, instead of $1,100,000,000 we could have rescinded perhaps between three and four billion dollars. There is a lot of money that has not been as yet used, but all the ingenuity of the gentlemen in the War Department that do the buying and spending and contracting will be devoted to devising ways to expend all of the money which they secured from Congress through the liberal Committee on Appropriations. It has been my experience that in the months of May and June these gentlemen in the War Department, yes, and the Navy Department, and other departments, worry themselves sick when they see that there is an unexpended balance, and their desire is to spend that unexpended balance which has been placed to their credit. So, I hope the Committee on Appropriations will continue to bring in rescission bills, and I assure them that I, for one, shall gladly support any rule waiving points of order that will save the Treasury and save the American taxpayer additional burdens.

Feeling that most of you gentlemen are ready to proceed with the consideration of the bill, I shall not detain you any longer.

Mr. RICH. Mr. Speaker, I have no request for time.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, as has been pointed out, there is nothing controversial about this rule. I think we all favor this $1,100,000,000 rescission. I do think that there are some legislative provisions, at least one, in the bill that probably is not sound. That is in regard to a revolving fund which will be established in the Ordnance Department by a legislative provision in the bill which will more or less cause Congress to lose control of those funds because they will be subject to expenditure through the revolving fund rather than by direct appropriations by Congress. I realize that this rescission matter is somewhat complicated and that probably most Members are not greatly concerned about it, especially since no money is being saved by this procedure. Ordinarily we would not bring in a rescission bill in a case like this. The money involved has never been taken out of the Treasury. It is there now, and we just provide that it shall remain there.

The money provided in most of the appropriation bills is not totally expended by the end of the fiscal year. If that money is not expended by the end of the fiscal year and not obligated, it goes back into the Treasury and it is not necessary for Congress to pass a rescission bill. So while this is in order it is not necessary.

I have been interested in this fact, that in prior years the War Department at the end of the fiscal year has had more money percentagewise that was covered back into the Treasury without a rescission bill than is being covered back into the Treasury by this rescission. In other words, this rescission of $1,100,000,000 provides a six-tenths of 1 percent rescission of the amount available during the year, whereas in 1939 the amount of money in the War Department that reverted to the Treasury at the end of the fiscal year without any rescission on the part of Congress was 1½ percent, approximately twice as much. In 1 year, 1935, the amount of money that reverted to the Treasury, that was never expended or obligated, was 2.2 percent. Yet this procedure today is justified because such a large amount of money is involved, even though percentagewise it is not comparable to the amount of money that in some prior years has reverted to the Treasury at the end of the fiscal year without any action by Congress in rescinding the funds.

I shall place at this point in my remarks the tables prepared by the War Department in connection with the figures I have recited.

Military Establishment appropriations proportions for fiscal years 1925, 1927, 1931, 1933, 1935, 1936, 1937, and 1939 which reverted to the Treasury compared with proposed reversions, as of June 30, 1947, of appropriations for fiscal years 1942 through 1946

Fiscal year—	Appropriation	Amount carried to surplus fund [1]		Percent, column 4÷column 2
		As of—	Amount	
(1)	(2)	(3)	(4)	
1925	$263,965,386	June 30, 1927	$2,314,501	0.9
1927	272,404,899	June 30, 1929	2,423,099	.9
1931	346,979,179	June 30, 1933	2,566,840	.7
1933	304,961,492	June 30, 1935	3,019,704	1.0
1935	280,862,094	June 30, 1937	6,284,518	2.2
1936	355,538,204	June 30, 1938	2,095,913	.6
1937	388,244,859	June 30, 1939	4,360,287	1.1
1939	531,001,997	June 30, 1941	7,732,271	1.5
1942–46	[2] 180,903,973,618	June 30, 1948	[3] 1,100,000,000	.6

[1] Sec. 713, ch. 11, title 31, U. S. C.: "After the 1st day of July, in each year, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, or public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress."

[2] Excludes $33,345,182,833 rescinded by the First, Second, and Third Rescission Acts.

[3] As proposed by the House Appropriations Committee.

Source: Combined statement of receipts, expenditures, and balances of the U. S. Government for the fiscal years ending June 30, 1927, 1929, 1933, 1935, 1937, 1938, 1939, and 1941; appropriation acts, fiscal years 1942–46 for appropriations, 1942–46.

Mr. RICH. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, since everybody says that they are in favor of this rule it might seem a little useless to take any further time on it. However, it seems to me there is a little unnecessary concern on the part of my friends on the other side of the aisle about having this rescission title in the bill and the Republicans taking any

credit, for fear that it might be regarded as adding to the Republican credit for economy.

There is a sound reason for having this rescission in the bill. Many of these appropriations were made during the days when there was a 10-percent transferability clause. While these funds normally would be expended for the various titles under which they are indicated here, under the 10-percent transferability clause which was in effect in the appropriation bills for the years for which many of these appropriations were made, it would be possible without this rescission, if the War Department wanted to do so, to transfer 10 percent of these various items into a given fund and there to expend it for a purpose not within the definite intent of the Congress. Therefore, there is a very sound reason for making this rescission. Whether or not it adds to anybody's economy credit or whether or not it effectively reduces the amount that may be available for expenditure by the War Department, let all that go by the board, there is a sound reason for rescissions being in the appropriation bill.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Illinois.

Mr. OWENS. Is there any question but that the low amount that is being cut from the budget can be accounted for only because of the fact that you are turning back $1,100,000,000?

Mr. CASE of South Dakota. No; I would not say that is exactly the situation, although if this $1,100,000,000 were to continue to be available for expenditure, it would not be necessary to appropriate so much new money. I would be glad to discuss that when we come to that part of the bill.

There is one further thing I should like to say, which is, that this money actually is not in the Treasury. The money has been set up on the books for the War Department. We need this action to put it back into the Treasury, if the transfer clause is to be counteracted while the money remains available for obligation or expenditure.

Mr. RICH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1948

Mr. ENGEL of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 3678, with Mr. MICHENER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read the first 6 lines of the bill. The Clerk will read.

The Clerk read as follows:

Pay of the Army: For pay and allowances of the Army of the United States, including pay of Reserve officers and officers of the National Guard of the United States ordered to active duty under the provisions of section 37a and the fourth paragraph of section 38 of the National Defense Act, as amended; pay of civilian employees at military headquarters; allowances for quarters for enlisted men on duty where public quarters are not available; interest on soldiers' deposits; payment of life insurance premiums authorized by law; payment of exchange fees and exchange losses incurred by disbursing officers or their agents; repayment of amounts determined by the Secretary of War, or officers designated by him, to have been erroneously collected from military and civilian personnel in and under the Military Establishment and losses in the accounts of Army disbursing officers in accordance with the acts of December 13, 1944 (31 U. S. C. 95a) and December 23, 1944 (50 U. S. C. 1705–1707); $2,348,438,179, which shall also be available to pay mustering-out payments, as authorized by the "Mustering-Out Payment Act of 1944", as amended (38 U. S. C. 691–691g), to persons who were or may be denied such payments because they were discharged from the Army to enter the United States Military Academy or the United States Naval Academy and subsequently were discharged from either Academy because of physical disability: *Provided*, That the appropriations contained in this act shall not be available for increased pay for making aerial flights by nonflying officers at a rate in excess of $720 per annum, which shall be the legal maximum rate as to such officers, and such nonflying officers should be entitled to such rate of increase by performing three or more flights within each 90-day period, pursuant to orders of competent authority, without regard to the duration of such flight or flights: *Provided further*, That, during the continuance of the present war and for 6 months after the termination thereof, a flying officer as defined under existing law shall include flight surgeons, and commissioned officers or warrant officers while undergoing flying training: *Provided further*, That section 212 of the act of June 30, 1932 (5 U. S. C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home: *Provided further*, That during the fiscal year ending June 30, 1948, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the act approved May 11, 1908 (10 U. S. C. 803): *Provided further*, That provisions of law prohibiting the payment of any person not a citizen of the United States shall not apply to military and civilian personnel in and under the Military Establishment: *Provided further*, That without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Army on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations, may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts: *Provided further*, That no collection or reclamation shall be made by the United States on account of any money paid to assignees, transferees, or allottees, or to others for them, under assignments, transfers, or allotments of pay and allowances made under authority of law where liability might exist with respect to such assignments, transfers, or allotments, or the use of such moneys, because of the death of the assignor, transferor, or allotter.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 5, line 1, strike out "$2,348,438,179" and insert "$2,223,438,179."

Mr. DIRKSEN. Mr. Chairman, I had originally contemplated offering or at least suggesting for discussion an amendment to the pending bill that might very conceivably reduce it by $250,000,000. That amendment was designed to offset the military aid that has been provided under Senate bill 938, better known as the Greek-Turkish loan bill. The theory, after all, is that when you extend aid of that kind you are extending defense aid even as we did under the act of 1941. When you export your weapons and munitions and instrumentalities of war, it is a fair assumption that you can modify your own security establishment proportionately.

I appreciate, however, in offering an amendment of that kind it would be necessary to set it up in a lump sum and, if it were in order, to permit that modification to be made at the discretion of the Secretary of War. Of course, if you repose that sort of discretion in the directing head of the War Department, he would have great latitude and flexibility of judgment as to where the cut might be made. It is very conceivable indeed rather than cut the establishment and its manpower that a very generous proportion of that sort of cut might be applied to research activities of the Department.

So, while I had some convictions on the matter I relented in the attitude because I felt perhaps we were in a position now where the establishment could be cut and at the same time not be impaired in its effectiveness for all purposes.

As you know from the conferences we had with the War Department from time to time over a period of years it was assumed that we would have an establishment of 1,070,000 officers and enlisted personnel as of July 1, 1947, and that there would be 146,000 officers, including 13,500 warrant officers. I think generally the Congress is familiar with the fact that there has been some difficulty in recruiting that manpower. It is agreed that recruitments are not up to expectations. The amendment that is before you now to strike out of this paragraph $125,000,000 would be set up so as to envision a diminution in the officer and enlisted strength of the Army on the ground, which I think is a tenable and sustainable ground, that the men cannot be obtained. That is admitted. Then why should funds be appropriated for manpower which does not and will not exist. That is the rub of this proposal and the hearings will bear out the soundness of this proposal. That $125,000,000 would be composed of three items. First, $93,000,000 which envi-

sions a reduction of 30,000 enlisted men at the rate of $3,100 per man. Already the officer complement has been reduced by 20,000. If you add another 5,000 at the rate of $5,500 per officer, that would be $27,500,000. The third item could be taken out of the flying pay. You are familiar with the fact that only recently General Spaatz has indicated that flying hours would be increased from 48 to 100. That, of course, means that there are a great many who would not be able to qualify. So the complement there that seeks to make itself eligible for flying pay would be reduced. That item of flying pay could be reduced also, making a total of, roughly, $125,000,000.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. CASE of South Dakota. How much did the gentleman propose to reduce the enlisted personnel?

Mr. DIRKSEN. Thirty thousand. That is at an estimated figure of $3,100 per individual.

Mr. CASE of South Dakota. Then the gentleman would reduce the enlisted men 30,000 and the officer personnel 5,000?

Mr. DIRKSEN. Yes, and make a cut of $5,000,000 in flying pay. It may figure out a little more than that, but it has been reduced to a round figure.

Mr. CASE of South Dakota. The gentleman is aware of the fact that there is a 20,000 reduction already effective in the reduction of officers?

Mr. DIRKSEN. I appreciate that, but the increased reduction in enlisted personnel would make possible a further reduction in the officer complement.

Mr. CASE of South Dakota. Of course, the reduction which the gentleman suggests is on the ratio of one to six, which would be a much heavier reduction in proportion than the existing rate.

Mr. DIRKSEN. I am not insensible to that fact, but I think the reduction can properly be absorbed by the War Department.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DIRKSEN] has expired.

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the amendment.

I do believe that it is within the province of Congress to determine the size of the Army, either by direct legislation or by reduction in appropriations, but this would really be cutting in the dark. The average figures of $5,500 per officer and $3,100 for enlisted men are approximately correct except that these figures include food and clothing, medical care, and maintenance of quarters as well as pay and allowances. Yet, the gentleman's amendment proposes to take the entire reduction for a cut of 30,000 men from the funds provided for pay and allowances.

If the House wants to cut the strength of the Army by reducing the money on an average per man basis, the amendment should be drawn to take out a proportionate amount from all of the items included in the average cost figure, rather than taking it all from the pay funds. In other years, it might not have mattered so much, because the bills used to carry a transfer clause which permitted shifting of funds within the War Department to increase a given fund up to 10 percent. This bill, under the leadership of the chairman, the gentleman from Michigan, does not contain a transfer clause.

Again, if the Congress wants to reduce the Army by cutting its strength overseas, maybe that is a question that should be considered. The gentleman from Illinois has not put his amendment on that ground, however.

Obviously, he is inviting a heavier reduction in officer personnel than the committee has reported. There are three reasons why the officer personnel is higher today in proportion to enlisted strength than it was before the war. I should say there are four explanations, one being the carry-over from the war itself, when we had a higher proportion than peacetime for obvious reasons. To the extent that is true, the officer strength should be reduced, and the committee has proposed to do that in the bill now before you. But there are three sound reasons why the officer strength today is heavier in the Army than it was before the war.

The first reason is that the air force today constitutes a larger proportion of the over-all Army than before the war. In 1941 the air forces were about one-fifteenth to one-seventeenth of the total army strength. Today the air forces are one-third of the total army strength. Anybody who knows anything at all about the Army knows that it is necessary to have a higher proportion of commissioned officers in the air forces to operate the airplanes than in the old infantry army, let us say. So that is one sound reason. You have an air force today one-third of the total Army, as compared with one-fifteenth or more before the war.

The second reason is that you have the problem of occupation. The director of occupation cannot be accomplished by immature boys who, in their own home towns, would not be entrusted with municipal administrative and judicial jobs because of lack of experience or maturity, even in the United States. So you have to have a higher percentage of officers to administer occupation in foreign countries than you would have in the normal peacetime army occupying an ordinary peacetime military post.

The third reason is that you are carrying out a research and development program and the most important parts of that research and development program are being carried on by officer personnel, by commissioned officers. If you are going to get the greatest value for the dollars you expend on research and development you need a greater complement of officers to direct and handle that work.

So the proposal here to reduce the officer strength in the proportion of one to six, in my judgment would be proposing an unwarranted reduction in officer strength. It is not popular, perhaps, to say "Let us maintain the officer strength of the Army," but to those who are familiar with the details of our national defense program it does make sound sense to maintain a proper proportion of officers in your Air Force and in your occupation force and in your research and development program.

If the gentleman based his savings on a general reduction of the total size of the Army we could have a debate upon that issue, but it strikes me that this approach overlooks the reduction in total strength already made. Bear in mind that when the committee reported the bill reducing the officer strength by approximately 20,000—17,500 in the commissioned officers and 2,500 approximately in the warrant officers—we did not put back in the bill the money for the enlisted men. So already the bill is about 20,000 less in the over-all strength of the Army.

If the gentleman's amendment carries it would mean 30,000 in addition. The issue is before the committee. You can do what you want about it, but it would, if the gentleman's amendment were adopted and carried out as he explained its intent, accomplish an improper reduction in the officer strength.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. DIRKSEN. The gentleman from South Dakota suggests perhaps a different approach; in other words, in your aggregate.

This is a general cut of $125,000,000, and I take it from the gentleman's discussion that there can be a reduction in enlisted men, but his particular opposition lies to the fact that——

Mr. CASE of South Dakota. That the gentleman was suggesting a disproportionate cut in officers and that you propose to take the entire cost for 30,000 officers and men out of the pay funds, overlooking the fact that the average cost figure includes subsistence, clothing, medical care and maintenance of quarters as well as pay and allowances.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman from South Dakota may have two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. At all events, I will say that the amendment deals only with money here and would be in the nature of a recommendation. It perhaps needs some refining somewhere else. So it is not a hard and fast understanding that it would have to be 5,000 officers. I think very well under the circumstances and under the statement the gentleman makes that the amendment might very well go through and that they make their own refinement as between enlisted men and officer strength.

Mr. CASE of South Dakota. If we were going to debate a reduction of the Army issue, it seems to me we ought to

debate it upon the issue of the job the Army has to do.

As a matter of fact, the Army today is overmanned for its presently authorized pay strength. The fears the gentleman expressed about being able to raise the authorized number of men to fill the requirements of the personnel of the Army are groundless. The Army today must shrink its personnel to get within the figures the committee has provided.

As I said yesterday during general debate, I think we should turn over more of the occupation job to the native populations of those countries we are occupying. I think we should do that as a matter of reducing costs, and I think we should do that partly to put those countries on their own feet and build them up so as to get them off of the economy of the United States.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. DIRKSEN. I agree with that observation. The only way it can be brought about is for Congress to make some kind of reduction. Then the responsibility more and more will have to be reposed in the native populations. This is an effective way to do it.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. O'HARA. We have heard a great deal about the officer personnel of the Army in the field and in the occupied areas, but we have not heard anything as to how many officers there are in the Pentagon Building. Can the gentleman give us information on that subject?

Mr. CASE of South Dakota. I do not know how many officers are over in the Pentagon Building. The bill does propose a reduction of 20,000 officers.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to compliment the gentleman from South Dakota for his remarks. Throughout the hearings on this bill we proceeded on the theory that we were appropriating money for an Army of 1,070,000 officers and enlisted men. That has been the basis upon which we have proceeded, and I think the chairman of the committee will join me in saying that we have mutually felt we could not now go below the 1,070,000 men.

Mr. Chairman, it would be unwise for the United States of America under world conditions as they are, with our commitments as they are, to begin a policy which would mean the disintegration of our Army. There are many standing armies in the world in excess of ours; at least, there are some. To go below 1,070,000 men it seems to me would be most dangerous at this time. When this occupation job gets under better control, when peace treaties are signed, we probably will not want an Army of the present size, but certainly an Army as now constituted is not out of proportion at this time. This being the authorized Army, if action is going to be taken to reduce it, I should like for the gentleman from New York [Mr. ANDREWS] and his Committee on Armed Forces to hold exhaustive hearings and present the matter to the Congress. Then if the Congress is willing to make that reduction, it is a different story. Personally, I would not be willing to do it, and I am not willing now for this committee to usurp the authority of the Committee on the Armed Services to strike out the present authorized 1,070,000-man Army.

As the gentleman from South Dakota [Mr. CASE] so well pointed out, a very large percentage of the Army is the Air Force. We all know the heavy percentage of officers required in the Air Force. When we cut the officer personnel in the bill I thought we cut it a little too deep. In cutting that officer personnel I did not think we had ample justification for the depth of the cut made. But be that as it may, no funds are in the bill to make up the deficit in our armed forces created by the 20,000 reduction in officers which the bill effects. In other words money is not provided for the pay of 20,000 additional enlisted men needed to keep the Army up to the 1,070,000 strength. I would not for a moment dare to take the responsibility and the chance of flying in the face of all military authority who tell us that the very minimum required at the present time is 1,070,000 men as now authorized.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I remember the hearings that we had with officials of the War Department last year and the year before. As will be remembered, they contrived a figure of 1,070,000 even at that time. It occurs to me there is no magic in that figure of 1,070,000. Yet for nearly 18 months we have been sort of going through with that figure, nursing it as a sort of target, but there is no magic in it. It can be raised and it can be lowered without impairing the efficacy of the Army.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. First, that figure of 1,070,000 has already had a couple of whacks taken in it. When the figure of 1,070,000 was adopted that was for active personnel. Those who were on an inactive status, those who were in hospitals, those who were on hospital leave or terminal leave were not included. However, the 1,070,000 today includes those who are on terminal leave as well as those on active duty. In addition to that, as I have already pointed out, the reduction of 20,000 officers accomplishes a reduction of enlisted personnel, because when we took off the officer money we did not put back the money for the enlisted personnel. So that there have been two whacks taken in that 1,070,000.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SCRIVNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have the greatest admiration for the gentleman from Illinois and his keen insight and his desire for economy. I, too, have a desire for economy, but I feel that the committee, in making the cut that they did in the pay for officers, cut just about as deep as we can cut at the present time, and we are fairly certain that the cut is sufficient to take off some of the overload in rank in the higher brackets.

If you turn to page 1582 of the hearings you will find what had been originally proposed, namely, 4,023 second lieutenants as compared to 20,000 majors, and I can assure you that if the cut we have made does not have the desired effect, there will be some further surgery next year when the Army appropriations come up.

I can understand the position many of these men take, and I know the way they feel. I could not help but think about it the other day as I read a news story which related that a West Point class of 1940, or possibly 1941, was going to have a reunion. It named seven, eight, or possibly nine of the officers coming back, youngsters just out of the Point, you might say, and of the seven or nine, my recollection is that two were full colonels, four were lieutenant colonels and one was a major. We know that normally it takes 15 to 17 years before an officer reaches the rank of colonel. Many of these higher ranks can well be reduced to what would normally be their level. Maybe this cut will hasten the reduction to somewhere near peacetime normalcy. So, in all deference to the suggestion which has been made by the gentleman from Illinois, I feel that we cannot go further than we now have gone in the proposed cuts in the pay for the Army.

The picture is not as dark as some have painted it; the emergencies are not as dire as some have suggested, but neither are they as bright as some of the most optimistic would have us believe. We are going through a period of transition in which our Army is to play a very important part. We hope that within the very near future many of our troops can be returned to this country and taken off occupation duty in Germany, Korea, and Japan. When the return of those troops can be made, of course, there can be a further reduction in the cost of the Army, in the number of men necessary, and in the number of officers as well. Then with time to study it thoroughly, as I said just a few moments ago, this committee will look things over next year with a very critical eye with the hope that we may further pare this appropriation.

Mr. ANDREWS of New York. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in view of the importance of this amendment and its relationship to the Committee on Armed Services, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDREWS of New York. Mr. Chairman, may I say in the first place that the gentleman from Michigan [Mr. ENGEL], the chairman of the subcommittee in charge of this bill, has during the past 2 months revealed a very fine spirit of cooperation with the members

of the Committee on Armed Services through his contact with me as chairman of that committee.

The subject matter of the amendment offered by the gentleman from Illinois leads me to make a few remarks on the floor this morning. I should like the members of this committee and, in fact, the entire House, to know that for a period of 2½ months, starting on March 17, the leading subcommittee of the Committee on Armed Services, that on personnel, the chairman of which is the gentleman from Missouri [Mr. SHORT], has been considering the entire question of personnel of the Army Ground, the Army Air, the Navy, and the Marine Corps, both in enlisted strength and officer strength, from all points of view, that of the high-ranking officers, from the generals up, and from the generals down.

The number of generals in the Pentagon was referred to, and that leads me to say that we have examined the billets for star rank in all the services in minute detail, in cooperation with all four sections of the armed services, the Marines, the Navy, the Air Corps, and the Army.

It is a little early to make such a statement, but in view of the amendment offered by the gentleman from Illinois I am going to say this. That subcommittee of 12 men, consisting of men who came from both the Military and Naval Affairs Committees, including the senior members of those committees, have reached unanimous agreement on the so-called promotion bill for the Army and the Navy, the vital part of which is the number of officers and the billets in these services for the future.

In a large number of conferences the officers of the Army, the Navy, the Marine Corps, and the Air Corps have revealed a very fine spirit of cooperation looking to the reduction of high rank and the number of officers in high-rank positions in the future.

I do not suppose anybody who has not been in the service or who has not been in contact intimately with these departments, but knows of them only through the newspapers, can have any possible conception of what it means to reduce down in the services and, from an Army point of view, to realize the great responsibility resting on that service for the occupation in Europe and in Japan, and with the proposed setting up of the Air Corps as a separate organization, assuming the passage of the merger.

I say this subcommittee has given very considered opinion to all the billets for all the high officers, and I think it will be borne out by my friend the gentleman from Texas [Mr. KILDAY], who is here, that we have been amazed at the willingness of the services to cooperate in the very direction which the gentleman's amendment purports to go without knowing the facts. You cannot possibly effect a great reduction in the rank beyond the present situation until July 1, 1948. We are in an occupation period that must of necessity last another year. I do not believe the average person here has any conception of the pipe line that must be kept going and of the numbers of men in training to feed up to MacArthur and the American forces in Europe, with the 1-year enlistment period still running, with no selective service, and voluntary enlistments having dropped to an average of about 20,000 a month.

You will be perfectly amazed when we bring the promotion bill for the Army and the Navy on the floor of this House at what we have been able to effect in a permanent reduction in rank, in the ceiling on those positions, and in the number of generals. You will find that the number of generals in the Army ground forces will be not to exceed 210, the number of generals in the Air Corps will be way below that, and the number of starred admirals from the top down in the Navy will be in proportion to those in the Army.

I feel that we have been highly successful in reaching these decisions with the members of the War Department, the Navy Department, and the various other branches, the Air Corps, and the Marine Corps.

This bill has been cut. I have great faith in the gentleman from Michigan. He is certainly minded to economy.

I think the gentleman from Michigan knows probably as much of the general picture concerning officer strength and enlisted strength of the Army, insofar as it is reflected in dollars and cents, as do we on the Committee on Armed Services. When it comes to billets and the idea that you can arbitrarily say that we are going to cut out that many more officers as represented by the amendment of the gentleman from Illinois, I say "No." The very fact that he offers an amendment, it seems to me, is a great contradiction of his usual habit of offering amendments based upon facts. This is the first time, I believe, that the gentleman from Illinois [Mr. DIRKSEN] has seen fit to offer an amendment the result and operation of which he does not know. I am very glad at this time to yield to the gentleman from Texas [Mr. KILDAY], one of the most active members of the Committee on Armed Services.

Mr. KILDAY. Mr. Chairman, I agree thoroughly with what the gentleman from New York has said with reference to this proposed reduction, primarily as it relates to the pay of the Army. In the Subcommittee on Personnel of the Armed Services Committee we are working on a promotion bill and we are working on it without any idea of partisanship. I think that is one of the nicest things about my service in the House—having been a member of the old Committee on Military Affairs for 8 years and now a member of the Committee on Armed Services since the reorganization of the committees of Congress.

In each we have approached national defense matters with no partisanship, rarely, if ever, dividing along party lines.

The gentleman from New York, the chairman of the Committee on Armed Services, stated what we hoped to do with reference to the flag rank or the so-called brass hats. You will be amazed when you see the extent to which we have cut. But when you consider the action taken in the departments you will find that at the termination of the war the Army had 1,500 generals of one-, two-, three-, four-, and five-star rank. Voluntarily, by their own action, they have reduced that to 500 generals. There seems to be a feeling throughout the country that the lower ranks have been cut but the general officers have not been cut. They have gone down through the administrative action of the department itself about two-thirds and we propose to reduce that figure by about half in the permanent establishment.

I feel very strongly that a nation that has just authorized $400,000,000 to assure the countries of Greece and Turkey that they can stand up against a powerful nation because a still more powerful nation will sustain them, cannot afford to make the cut as contemplated by the amendment of the gentleman from Illinois. What will be their reaction when they find a cut in the pay of the Army? And, more important, what will be the reaction of that great nation which they fear when, in the face of legislation which we have previously passed, we now take the position that we will not supply enough money to sustain a minimum army?

I understand from the press that the gentleman from Illinois has stated that the proposed reduction has some connection with deducting the support that was going to Greece and Turkey from Army funds. To my mind, that is a fallacy. We are sending food, equipment, and what not to them, but I am sure it was agreed on the floor that it was not contemplated that a large expeditionary force is to be sent. Therefore, reducing the appropriation for pay of the Army can have no connection with the aid we have voted for Greece and Turkey. The amendment should be defeated.

Mr. KEATING. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Illinois [Mr. DIRKSEN] is so extremely convincing and we all have such a high regard for his great ability and his unquestioned sincerity that it is with considerable hesitation that I rise to oppose the amendment which he has offered.

I also realize that this opposition is not voiced in a popular cause. The Army and Navy have no votes back home. Their budgets traditionally have been soft spots where money could be saved, appropriations denied, and the taxpayers relieved of expense without endangering one's position with his constituency in any way.

I should not wish to be misunderstood. I do not ascribe to our distinguished colleague, the gentleman from Illinois [Mr. DIRKSEN], anything but the highest motives in proposing this amendment. His views are admittedly to be given great weight. It seems to me, however, that the subcommittee which has studied this subject so carefully and has presented us with hearings embracing 1,642 pages of printed record has had an unparalleled opportunity to arrive at a conclusion regarding this matter which strikes a proper balance between much-needed economy and adequacy in our national defense. I hope they have not gone too far in the cuts they have recommended. I have no reason to feel that they have.

On the other hand, entertaining a serious suspicion, as I do, that further reductions may jeopardize our national security in this hour so perilous and critical in our Nation's history, I find myself unable to support additional reductions with no more convincing evidence than has been presented here.

A question has been raised about the disproportionate ratio of officers to enlisted men provided in this bill. It is noteworthy that the subcommittee in the cuts it has already made has left the enlisted men at full strength, while eliminating 20,100 officers and warrant officers. The amendment now suggested would reduce officer personnel another 5,000 and enlisted strength 30,000.

It must be recognized that occupation duties which our forces are now faced with probably do require a higher percentage of officer personnel than is required for combat duty or a normal peacetime Army. I happen to have served during the war in a theater where logistics was the principal problem. We had to have a higher percentage of officer personnel than is normally required because the problems, like those of occupation, were of unusual complexity.

Then, too, in the field of research, in the push-button developments which we now hear so much about—perhaps too much, I might say—undoubtedly an extraordinarily large number of the personnel must be officer-trained. The same is, perhaps, true in the Air Forces. In other words, we must not gear our thinking and planning to the days of the musket and the Minié ball.

The statutory strength of the Army, as of July 1, 1947, is to be 1,070,000. This budget is based upon that number for the coming fiscal year. A reduction of some $106,000,000 has already been made by the subcommittee. It is, in my judgment, a false and dangerous economy to attempt to reduce this particular item further. At the very least, and even if this number of personnel should not be necessary—a result which I would be the first to welcome with enthusiasm—the inclusion in the budget of provision for the number of military personnel fixed by statute can do no harm, because if the statutory strength is not maintained, the men will not be paid and the money will not be spent. The committee has very wisely refrained from including in this bill any provision permitting the transfer of funds appropriated for one purpose to some entirely different purpose, as we witnessed last year when the Executive reached into the funds appropriated for research, impounding $75,000,000 and transferring it to some other purpose, thereby, as General LeMay testified, seriously delaying their program.

This is one place where, so far as I am concerned, my preference is to err, if at all, on the side of safety and security.

There is another point about this provision for the pay of the armed services. To adopt this amendment is to legislate by this appropriation bill a reduction in the authorized size of the Army established by Public Law 473 in the Seventy-ninth Congress, and to do so, I might say, upon inadequate evidence. I much prefer to make provision for an adequate professional force than to impress into service those who do not choose the Army as a career. It is possible that both may be necessary. We shall soon have to face that problem in a bill for some form of compulsory universal training. On that issue, I have not yet studied the evidence to be prepared to take a final position. What I do say, however, at this time, is that we should not by this amendment provide for a reduction in the authorized strength of the Army and next week, or next month, or next year turn around and require our youth to serve by compulsion when we, at that same time, deny the funds to provide pay for those who would serve voluntarily.

Therefore, Mr. Chairman, in the absence of compelling evidence that the Army strength as now fixed is extravagant or wasteful, and in the light of the representations made to us both by the members of this subcommittee on War Department appropriations and also by my distinguished colleague from New York [Mr. ANDREWS], the chairman of the Committee on Armed Services, all of whom have given to this matter the benefit of their diligent study and wealth of experience, I feel compelled to join with them in opposing this amendment and cannot, in good conscience, give it the support of my vote. I hope it will be defeated.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. TABER. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I am taking the floor in order that if possible we may get a little clearer picture of this situation. I am going to direct some questions to the chairman of the subcommittee.

It appears on page 31 of the hearings that there will be 360,000 men discharged during the fiscal year 1948. We are advised by the gentleman from New York [Mr. ANDREWS], that enlistments are presently running at the rate of 20,000 a month. In other words, if they continue on that basis, we would be 120,000 short of having the 1,070,000 men in the Army at the end of the fiscal year 1948. I am wondering what the gentleman from Michigan could tell us about that.

Mr. ENGEL of Michigan. Mr. Chairman, it is my conviction that those figures are conservative. The enlistments will be higher for the Air Corps, but I am convinced that there will be a deficit of approximately 50,000 to 75,000 enlisted men in the Army during the fiscal year ending June 30, 1948, if we go into the year with 1,070,000.

Mr. TABER. Does that mean we will be short all the way through the year by an average of somewhere around 50,000?

Mr. ENGEL of Michigan. That is my judgment. When War Department representatives appeared before the Military Affairs Committee and asked authorization for an army of 1,070,000 men they placed a table in the record showing what they expected to have—and that was in April 1946. That table shows—and you will find it at page 162 of the hearings of July 1, 1946—Brigadier General Textor testifying. It shows that on July 1, 1947, the requirements and availabilities are as follows: Volunteer Army, enlisted men, 719,000; all officers, 100,000. A total of 819,000 officers and enlisted men. Inducted into the service, they figured 200,000. This makes the total available 1,019,000, or a deficit of 51,000 to make up the 1,070,000 officers and men. That is from the hearings of April a year ago, and those are accurate.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DIRKSEN. That, of course, simply gives point to the observation I made in the first instance, that we can save conservatively 30,000 a year.

Mr. TABER. What bothers me, frankly, is this: If we are going to be 50,000 short all the way through the year of our goal of 1,070,000, what sense is there in appropriating money for more than we will have? That is the question that is bothering me, and that is what caused me to take the floor. I looked at these hearings and I looked at the picture and then wondered what point that could be in appropriating money for men we would not have. If that be the case we ought to take action.

Mr. DIRKSEN. And that is the point of my argument.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman's figuring would be entirely correct, of course, if we started the year with 1,070,000 men and we had 360,000 discharges and were recruiting only 240,000, but the facts are we are starting off the year with 1,020,000, or 1,145,000 as the figure that is used for the strength of the Army, the average pay strength within the year; and it will depend upon the rate at which discharges come about as to how far down they go. We have to take our January 1 figure, the mid-year period, and assume a level.

Mr. TABER. If we lose 10,000 a month and you had 1,140,000, you would drop down to 1,020,000 at the end of the year and the average strength would be below the figure provided for in the bill, as I understand.

Mr. CASE of South Dakota. The chairman, of course, must not overlook the fact that the figures already reduce the pay money by 20,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TABER. I wonder if the gentleman from Michigan feels that the average strength of the Army will be down 50,000 from the 1,070,000?

Mr. ENGEL of Michigan. I personally feel that it will be. The figures the gentleman from New York gave us are high. I do not think we are going to have that much of a deficit but I feel they are going to have a 50,000 deficit.

Mr. ANDREWS of New York. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. ANDREWS of New York. I want to make it perfectly clear that the figure attributed to me was one that I took out of my head from memory. As I recall, it was the month of February in which the reenlistments ran about 20,000. I have not followed the reenlistment program as I should have, but there is nothing secure about the reenlistment program.

Mr. TABER. There is nothing secure about anything in connection with voluntary enlistments in an army, of course. It is a matter of guess. If it is true that they are going to be 50,000 short, on the average, of the number in the Army there is no question but what we should not provide more funds than there are folks in the Army.

Mr. ANDREWS of New York. Just as a general picture, and without knowing what goes on behind the offering of amendments, I would like to know if the Appropriations Committee can give me any idea how much they are providing for officers and men in the business of effecting the return to this country of 300,000 bodies from overseas.

Mr. TABER. I understood that that was a private operation separate from the War Department operation.

Mr. ENGEL of Michigan. That appropriation comes in the civil functions part of the War Department, and not in the military activities.

Mr. TABER. There is not a substantial number of soldiers found in that item. It is a contract job with morticians, as I understand it. I know we had that up in the deficiency committee and there were $93,000,000 in there for that job and that was a high figure. It rather appears from what the gentleman from Michigan has told us that there will be a 50,000 shortage in the number of men averaged throughout the year. If that is the picture, cutting out the pay for 30,000 would be a perfectly proper operation.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. KILDAY. It is true that if there is a deficiency the money will not be spent?

Mr. TABER. That is true. On the other hand, it is not up to us to provide more funds than can reasonably, under normal conditions, be used by any governmental institution.

Mr. KILDAY. The gentleman feels it would not affect the efforts of men who in good faith attempted to induce young men to go into the service when he knows that so far as action taken by the Congress is concerned the contract he is making will not be carried out?

Mr. TABER. Oh, there is no such thing as that involved at all because there are 360,000 enlistments expiring and they are running along at a rate of reenlistment that will not permit them to hold the strength up to the amount of money that would still be left in this bill after deducting the item that the gentleman from Illinois has suggested would still be enough to take care of all that they would have.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not claim to have any unusual knowledge on this subject, although I am, with certain other Members of this House, a member of the Joint Committee on Atomic Energy and am consequently especially interested in the position of the national defense of our country. I have to say that this war is not over yet. The peace treaties have not been signed and whether they are signed or not we still have a long way to go to insure peace in the world. The United Nations organization is not perfected, as we all know.

While it is quite possible that the armed services may average 30,000 persons less during the period of the fiscal year 1948 than is said to be required for the proper defense attitude of our country, I would hate to think that the number that could be actually engaged up to the number stated to be required, 1,070,000, could not be engaged by virtue of the fact that no appropriation was made for them. It would seem to me much more wise on the part of the United States in its position in international affairs today to have the authorization there and to increase the recruiting program, insofar as possible to step up the recruiting, so that the number 1,070,000 shall not be gone below. I think that is the important aspect from which to view this situation, rather than from whether or not they may not have as many men as they need to have in the Army, and therefore reduce the appropriations. There may not be as many men in the Army as there should be, but if not, for God's sake let us go out and get them, recruit them into the service, and let the Army maintain its required strength. I think that is the important viewpoint to take.

Mr. SHORT. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, it is not necessary, I think, for me to state to the Members of this body my position on economy. I can cut and slash and wield the broadax at times. I think the first line of defense of any country is really its financial solvency, and that sound economy is just as important as an army, a navy, and an air force. But in this very sad and sick world, with all the troubles and the uncertainties that hang over us, we certainly should move with great caution in cutting appropriations for the Army and the Navy.

Personally I think we cut too much out of the Navy bill, and instead of offering amendments to cut further into this Army appropriation, I would almost be in favor of voting to restore the cuts that have already been made. For many weeks we have held long and exhaustive hearings before Subcommittee No. 1 on personnel of the Armed Services Committee of the House, and Members on both sides of this aisle who are members of the committee know the difficult task that confronted us in cutting down rank and the number of officers. We have done a pretty good job and will have a report, I hope, within the next fortnight to give to the Members of this body.

I trust that this House today will not pass this amendment. I had hoped that my good friend from Illinois [Mr. DIRKSEN], with whom I agree about 95 percent of the time, would not offer this amendment. I told him so the other day as we lunched together. It is just utter foolishness for us to continue to bleed this country white and give hundreds of millions of dollars to foreign countries and then refuse to take care of our own defenses here at home. It is all right to trust God, but we had better keep our powder dry; speak softly, but carry a big stick. I will admit the only nation that is a great enigma and a big question mark so far as the future of the United Nations is concerned, or world peace, is difficult to understand. I do not claim to understand the Russians. I think they possess many admirable qualities, and certainly I want to get along with them, because I can imagine no greater tragedy than armed conflict between the two mightiest nations on this earth today. I think I know them well enough after having traveled through all European Russia back in 1931 that the only language they understand is the language of force. I know that, having lived under the heel of tyranny and the yoke of oppression for centuries, that they respect strength and they have only contempt for weakness.

Let us not weaken our defenses here at home until the United Nations organization becomes firmly established and until we can set up an international police force to carry out its decisions. I hope this Committee will vote down the amendment offered by my good friend from Illinois [Mr. DIRKSEN].

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. There is one point that should be kept in mind in connection with this bill. For the first time in many years this bill does not carry a transfer clause for the funds of the Army. In other words, when money is appropriated for pay of the Army it can be used only for that purpose, so that if we should not have the full strength as it averages up through the year the money cannot be spent for some other purpose. But if you do not provide the money you cannot recruit to the strength allowed.

Mr. SHORT. I am very glad the gentleman brought out that point. He is eminently correct. Let us not fiddle here and play with the safety and security of this great Nation in this hour of peril. We must remain strong on land, sea, and in the air. We do not want to lose the fruits of victory after so great a price.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The amendment was rejected.

The Clerk read as follows:

For expenses necessary for the transportation of Army supplies, equipment, funds of the Army, including packing, crating, and unpacking; maintenance and operation of transportation facilities and installations, including the purchase, construction, alteration, operation, lease, repair, development, and maintenance of and research in transportation equipment, including boats, vessels, motor-propelled passenger-carrying vehicles and railroad equipment; personal services in the District of Columbia; procurement of

supplies and equipment; printing and binding; communication service; maps; wharfage, tolls, ferriage, drayage and cartage; premiums and indemnification for risks insured pursuant to the act of April 11, 1942 (46 U. S. C. 1128–1128g); conducting instruction in Army transportation activities; transportation on Army vessels of privately owned automobiles of Army personnel upon change of station; $347,577,227: *Provided*, That during the fiscal year 1948 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured: *Provided further*, That vessels under the jurisdiction of the Maritime Commission, the War Department, or the Navy Department, may be transferred or otherwise made available without reimbursement to any of such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Mr. BRADLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in connection with the Army Transport Service covered by the paragraph just read, I believe the House should be informed of these circumstances:

On page 82 of the June issue of News Week there appears an article under the heading of "School ships" in which it is stated that—

> The Division of International Exchange of Persons of the State Department's Office of International Information and Cultural Affairs has secured the use of two Army transports—the *Marine Jumper* and the *Marine Tiger*—for the exchange of summer students between this country and Europe. Each ship, of 900-passenger capacity, will make four round trips.

As a matter of fairness to the Army Transport Service I wish to inform the House that this article is misleading in that the ships concerned are not in any way under the jurisdiction of the Army Transport Service, but, rather, are operating under private management. The term "Army transports," as used, is apparently intended only to mean that these vessels were used as such during the recent conflict, and should not be confused with the vessels of the present Army Transportation Service.

Also, I may say here that at the time the House had before it legislation which would authorize waivers of certain safety requirements for vessels being used by the Army, in the transportation of passengers, I stated that it had been brought out in the hearings that efforts might be made to persuade the Army to use some of the C–4's, then under consideration, for the transportation of displaced persons from Europe to South America and that I felt the War Department should not utilize vessels upon which waivers had been requested for the transportation of great numbers of people of all ages and sexes on long voyages to different parts of the world. I further stated that if there were a need for such transportation, and if the War Department felt itself to be the proper agency to provide it, I believed the Secretary of War should make request to the Congress for specific authority in the premises, rather than going into the passenger-carrying business with ships which do not comply with our minimum safety standards and for which we were authorizing waivers only to permit the accomplishment of the necessary business of the War Department.

I am now informed that the War Department is operating two of these C–4's between Europe and South America, carrying displaced persons, and that it is expected that a third ship will soon be put on the same run. Waivers on these ships are effective only until December 31, 1947, so at that time they must be withdrawn from this service unless further legislation is enacted, or the vessels transferred into the category of public vessels of the United States.

I am further informed that the War Department is being fully reimbursed for the expenses incurred in this transportation project.

In my opinion, the use of the ships for the purpose indicated is inadvisable in that, in the event of a marine disaster in which heavy loss of life should be incurred, the ultimate responsibility for allowing these ships to operate rests directly upon this Congress, which has countenanced their operation in violation of the normal safety requirements of our current laws. Such a disaster would reflect most unfavorably upon the merchant marine of the United States.

I trust that the War Department will not find it necessary to extend this service further and that it will discontinue the use of these ships, on which waivers of safety requirements have been granted, for the transportation of women and children on long voyages at the earliest practicable moment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For creating, maintaining, and operating at established aviation and related schools courses of instruction for military personnel, including payment of tuition, cost of equipment and supplies necessary for instruction, and expenses of special lectures, purchase of tools, equipment, materials, machines, textbooks, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, and including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies and procurement of services for securing, developing, printing, and reproducing photographs and motion pictures in connection with aerial photography, including aerial mapping and charting; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; for travel of military and civilian personnel in connection with the administration of this appropriation, including travel by air or rail required in connection with the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof; purchase, manufacture, and construction of aircraft, and instruments and appliances, including radio, radar, and electronic equipment, necessary for the operation, construction, or equipment of aircraft, and spare parts and equipment connected therewith; air crew and aircraft rescue and fire fighting equipment, including trucks and boats; marking of military airways where the purchase of land is not involved; purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings and other facilities for the handling or storage of such equipment; services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 40 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical and meteorological research in the Air Corps; maintenance and operation of Air Corps printing plants outside of the District of Columbia authorized in accordance with law; special furniture, supplies and equipment for offices, shops, and laboratories; special services, including the salvaging of wrecked aircraft; payment of claims resulting from the operation of aircraft, under the provisions of the act of July 3, 1943 (31 U. S. C. 223b), as amended, and the Federal Tort Claims Act of August 2, 1946 (Public Law 601); $733,332,508: *Provided*, That in addition to said appropriation the Secretary may, prior to July 1, 1948, enter into contracts for procurement and construction of aircraft and equipment, spare parts and accessories, to an amount not in excess of $280,000,000.

Mr. MAHON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. MAHON: On page 25, line 22, strike out "$733,332,508" and insert in lieu thereof "$773,332,508."

Mr. MAHON. Mr. Chairman, there is nothing complicated or difficult about the amendment which is now before you. It is simply a question of whether or not the Congress is going to give to the Air Forces for the airplane-procurement program the amount of money approved by the Budget, requested by the President, and plead for before our committee by General Spaatz, Chief of the Army Air Forces. It is a clear-cut issue. It only involves $40,000,000. This bill provides savings below the budget estimate of $475,000,000. This will not make an appreciable reduction in the savings. It will reduce the saving by only $40,000,000. There will then remain a $435,000,000 saving.

While this amendment involves only a few millions of dollars, I think it is perhaps one of the most significant matters that will be presented to the Congress during this session. I think it may be that the vote on this amendment may be one of the most important votes in this House within a decade. Why would I make that statement? I make that statement because of this fact: If we are willing now to begin a course which leads inevitably to a loss of supremacy in the air; if we begin that course today, we will have taken the first step toward the

disintegration of the Air Forces, toward the loss of our power in the air, and in the world; toward national peril, fear, and insecurity. If we cut the funds for the airplane-procurement program for the Air Forces below the sum requested by the President; if we take this step today, mark you well in succeeding years this vote may possibly be referred to as the beginning of that period of our post-war history that led to World War No. III. We must not go in that direction.

The readers of history can look back and see that following World War I we began to impoverish our Air Forces, impoverish our Army and Navy. We know that one of the major reasons why war struck us in the 1940's was that we had impoverished ourselves and did not have the respect of those nations which only understood the language of force.

Of course, I agree with the chairman of the Committee on Armed Forces when he says in effect, "Let us not reduce the authorized strength of the Army for the present; it is dangerous business." By the same token, it is dangerous business to reduce the power of the Air Forces. We are dealing with countries that understand most of all and best of all the language of force.

When General Marshall has sat at the conference table in Moscow and elsewhere, those who sat across the table from him looked beyond him to the power of the Nation which he represented. If they look beyond General Marshall at the conference tables in the future and think or say, "Why, General, you do not represent a proud Nation that had the world's greatest Army and Air Forces and the greatest Navy—the military might that won World War II. You represent a Nation that in a military sense is in a period of disintegration and we do not take you too seriously."

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield.

Mr. CHELF. Is it not true that we are today about a third-rate nation insofar as the Air Forces are concerned?

Mr. MAHON. I will not have the time to discuss the details of that question. There are some who question the supremacy of our Air Forces. I do know that the Air Forces came before us and asked for money for 932 planes. Later they advised that the funds they requested would provide only 749 planes. The action of the committee in reducing the request for planes by the sum of $40,000,000 has cut it further. The $40,000,000 cut represents a loss of 188 combat aircraft. So out of the money in this bill we could construct but 561 planes. Think of it. A great Nation like ours and a meager aircraft program like that. Think of how big we talk and how little will become the stick which we carry, if we start today a course which will lead to the disintegration of our Air Forces. We must not start that downward course.

We project our interests over into the Mediterranean Sea and Congress votes $400,000,000 for Greece and Turkey. I am only asking that you restore 10 percent of $400,000,000, the sum $40,000,000 for our own United States Army Air Forces.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Yes; I am only asking that we restore to this bill $40,000,000, which would be merely 10 percent of the Greek-Turkish loan. If we are going to talk with power and persuasion in the councils of the world, let us talk in that language knowing that we possess the power to back up the firm language which we speak.

There are those who will say, "But the Air Forces have more than $400,000,000." Certainly. They will have in excess of $1,000,000,000 for the airplane-production program for last year, this year, and next year. The planes that are provided for in this bill will not come off the assembly lines for about 2 or 3 years.

As I pointed out to the House yesterday, we must keep up our plane-procurement program, this program of manufacturing military aircraft at a reasonably steady flow, if we are to do other than invite disaster to the military aviation industry of this country.

There is some confusion in the House of Representatives at the moment and there may be some who do not hear my voice. What we say is perhaps not important, but what we do on this matter today will be heard around the world. Other nations are watching America, and they will quickly become aware of whether we are willing to stand by our Air Forces or whether we begin today to chop away at the foundations of the greatest air force in the world.

If other nations observe that Congress a few months after the end of World War II denies the plea of the Air Forces and the President for 742 planes, the number requested this year, they will have cause to feel that America is on the road to military weakness. Other nations may well feel that the likelihood of World War III is increased and that freedom-loving people are approaching a time of peril and fear. Such a downward course of action shall not be taken with my vote.

The number of planes provided for in this bill is fewer than the number of planes provided for in the Navy bill. We provided 575 planes for a much smaller force in the Navy, but this bill provides only 561 planes for the Army. I say to you that the number of planes provided in both these bills is inadequate. Instead of weakening our Air Forces we ought to be increasing their power.

The statement made by the able gentleman from South Dakota yesterday should not go unnoticed by those who are thinking seriously on this amendment which may mark the turning point in the Congress on the question of national defense. The gentleman, as will be shown by the RECORD, said yesterday:

> As the gentleman knows, because he was in the committee, I was not enthusiastic about this particular reduction at this time.

If the gentlemen who have studied this legislation, as the gentleman from South Dakota has, have some misgivings about it, I assure you that there is ample reason why all Members should have some misgiving about taking the responsibility of reducing the airplane-procurement program by 20 percent in numbers below that requested by the Air Forces and the Bureau of the Budget. It is a step that America cannot afford to take in this critical hour in our history. I trust that Members on both sides of the aisle will forget any partisanship. It will be all right to be conscious of economy, because $40,000,000 spent here and the policy established here may eventually contribute to the saving of billions of dollars, because it will indicate the trend of America in the field of national defense in the years that are to come. But if we take this first step toward becoming a second-rate power today it will be a very sad day in our history and in the history of the world. We must not take it, and I hope the House will approve my amendment.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ENGEL of Michigan. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. MAHON].

Mr. Chairman, it is passingly strange to me that it makes a difference as to who does the cutting. I was very much interested in the statement of my very dear friend and colleague, also coworker, the gentleman from Texas [Mr. MAHON], who has just addressed you so eloquently. However, I want to call your attention to the fact that the President of the United States transferred $30,000,000 in airplane money to pay of the Army out of the 1947 Appropriations Committee bill. I did not hear anyone, not even the gentleman from Texas, say one word in protest. The $401,000,000 which the committee gave to the Air Forces for the present fiscal year was cut down to $371,000,000.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from Texas.

Mr. MAHON. I am advised by General Rawlings, budget officer of the Air Forces, that recent savings which have been effected will mean that the Air Forces will not lose any money in the amount approved by the Congress for the airplane procurement program for the fiscal year 1947. The action of the President, of course, in recommending certain savings, was later approved by the Congress.

Mr. ENGEL of Michigan. That is not the testimony before the committee.

The President cut $75,000,000 from the budget on research and development. Let us see what Gen. Curtis E. LeMay, former commander of the Twentieth Air Force, said. He said when that $75,000,000 cut came, and which the President made, it was the straw that broke the camel's back.

Did I hear a protest from the gentleman from Texas? Did I hear any squawks? I did not even hear a squeak or a squeaklet. He took $135,000,000, Mr. Chairman, from the Air Forces that we had given them and transferred it over to pay of the Army. I did not hear

any squawk or a squeak or squeaklet, not even from the gentleman from Texas, my very dear and good friend. So it makes a difference, Mr. Chairman, as to who does the cutting.

Let us see what we have. I was told by the War Department that we are going to have 632 planes out of the 1948 funds as reduced. The gentleman from Texas says 580. He spoke about Navy planes. The question is not the number of planes. You can cut that down to 500 or 400 if you consider nothing but fighters, not heavy bombers. It is a question of amount of money.

Mr. Chairman, when you talk about airplanes for the Navy, you are talking about carrier planes. You are not talking about the B–36's which cost millions of dollars.

The 1948 Air Forces budget provides for $440,000,000 for airplanes, spare engines, and spare parts as against $371,000,000 the President left them after cutting off $30,000,000. Your committee reduced this amount to $396,000,000 or $25,000,000 more than they had left after the President's cut. We gave them $145,000,000 for research and development, all in 1948.

The Air Forces, Mr. Chairman, will have for 1948 $3,372,330,000 in all, or 56 percent of the total appropriated and contract authorization budgets of the Army.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ENGEL of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL of Michigan. Pay comes out of finance of the Army. Rations, clothing, and subsistence comes out of the Quartermaster. Various other items come from other services. But, the total for the Air Forces for 1948 is $3,752,000,000, 56 percent of the total Army budget. Let us see what they have in planes. They have 30,566 complete aircraft, 60,000 motors and spare parts, the inventory price of which is over $7,000,000,000. If these are not the latest wartime planes, Mr. Chairman, it is because the Army gave too many away. They have a backlog of 1945 production money amounting to $342,000,000 with 733 planes to be delivered. They have $288,000,000 of 1946 production money and $371,000,000 of 1947 production money. If this bill is passed as reported, they will have $396,000,000 for the fiscal year 1948, or $25,000,000 more than they had left in 1947 after the President took $30,000,000 from them. All for the latest and most modern planes. For heaven's sake, what do they want? I am getting tired of having the Executive, Mr. Chairman, cut airplanes, research, and the Army funds with nobody saying a word—but when the Congress tries to make a cut, immediately a cry goes to high heaven that we are wrecking the Air Forces. Did I hear any of my Democratic brethren object? When the Secretary of War, Mr. Chairman, cut the Air Forces from 401,000 to 375,000—and that is his testimony—did I hear any squawk or squeak or squeaklet from anybody? Not one word was said; ot one solitary word.

Mr. Chairman, I want to express my profound gratitude to the Democratic members of the committee, including the gentleman from Texas [Mr. MAHON]. I want to express my profound gratitude to the other gentleman, particularly to the gentleman from North Carolina, Judge KERR, and say that this is not a political question. The decision on this question was not made on a political basis. We were practically evenly divided insofar as party was concerned. I ask the committee to stand by this bill as it is. The committee worked hard on it. When you talk in terms of percentages as to the amount of the cut, it is a mighty small cut for them to take, Mr. Chairman. I believe in an air force. I know the Air Forces. I know them from A to Z. I have worked on that ever since 1937. I want a good national defense, Mr. Chairman. I went through the dark days of Dunkirk when we gave everything we had to England; we had to. We did not have enough powder to wad a shotgun to carry on an offensive for 1 day on one front, and I sat there sweating blood. I want an adequate national defense, and I believe we can have an adequate national defense, under this bill as it is. I have been criticized because the cut was not enough; because the Navy had an 11 percent cut and this is 8.3.

Mr. Chairman, we took every item separately and voted on it. No one considered what the Navy did. That had nothing to do with it, Mr. Chairman.

Mr. Chairman, I ask that this House stand by the committee.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. The question was asked by the gentleman from Texas as to whether our Air Forces were not a third-rate air force in the world. I would like to ask approximately the same question of the chairman of the committee. How does our air force compare with the air force of Russia and the air force of Great Britain?

Mr. ENGEL of Michigan. As far as Great Britain is concerned, we have a complete interchange of scientific knowledge and have had all during the war, so we are on a par with research and development. I know that we have more planes than they have. I do not know what the production is.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ENGEL of Michigan. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL of Michigan. As I said on the floor of the House yesterday, if someone, I do not care who he is or where he is, can tell me how we can get information or tell us a system or method of getting information as to what Russia is doing behind her iron curtain, he will make a great contribution toward the national defense of this Nation. No one knows what Russia has.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from Kentucky.

Mr. CHELF. Why should we take any chances? If we do not know what Russia has, why should we take any chances by cutting our Air Forces? That is all the more reason we should be careful about it.

Mr. ENGEL of Michigan. The same argument the gentleman makes would have us have an Air Forces production program of $3,000,000,000. I know Russia does not have what we have.

Mr. CHELF. How does the gentleman know that she does not have?

Mr. ENGEL of Michigan. Because she did not have it during the war.

Mr. CHELF. The gentleman cannot be too sure of it. They are manufacturing day and night over there.

Mr. ENGEL of Michigan. We know that Russia at the conclusion of the war had an ineffective air force, because of what happened? If it had not been for our Air Forces at the end of the war they would have had a terrible time. The hearings before our committee showed time and again that it was our Air Forces that destroyed the material behind the German lines. If conditions in the air force in Russia are known to the gentleman, I would like to know where he gets his information. There is not any information on Russia. We are trying to find out now what her air force is.

Mr. CHELF. I repeat that we should not take a chance.

Mr. KILDAY. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Chairman, it may be true that the budget officer of the War Department is in the gallery, but I think it is quite apparent that the manicured and tailored gentlemen who were here last week speaking as farmers are not here today. I think you will also be aware of the fact that the polyglot, nondescript CIO's who have prowled our halls and our private offices are not here today. We come now to a question which concerns the well-being of our Nation and that alone. The way you decide on the question involved here will be dictated by the voice of conscience and patriotic devotion to your country without regard to the pressure groups that might come forward. This is a matter between you and your conscience.

I have been amazed today at the manner in which history repeats itself. I remember so well back in 1939 when the Committee on Military Affairs brought out a bill authorizing 5,500 airplanes for the entire Army, training planes, bombers, fighter planes, and what not, and we wrangled here for days and days and in conference for weeks about whether it should be 3,400 or 5,500. On that occasion I saw some of my very dear friends on this side of the aisle go off supporting

3,400 airplanes. They went off on that point following gentlemen who spoke here and who got very red in the face, who knew what the condition was in Europe better than the administration or the State Department or the War Department.

One of those gentleman said that he had better information from the inside of Germany than the Government of the United States had and there would be no war in Europe, and yet it was a matter of only weeks before the war which he denied would take place was very much in existence.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. TABER. Does the gentleman understand that at that time none of these 5,500 planes were built and that the proposition to cut the 1,900 planes was accompanied by a proposal to add $10,000,000 for a research fund which was beaten by many of you people voting against it and as a result the flying program was delayed almost a year?

Mr. KILDAY. Let me give you the facts. The gentleman is entirely in error. The point was that under the training program there would not be air crews sufficient to man the 5,500 airplanes, but there would be air crews sufficient, and many of you recall it, to man 3,400 of them, and the 2,100 were to be in reserve and held as auxiliaries. That was the issue that we fought out at that time. I cannot yield further to the gentleman.

Mr. TABER. There were no designs ready to build the planes and none of those were built.

Mr. KILDAY. When you argue that, you kill the opposition to this amendment. I want you to know that not one airplane, the designs for which went on the drawing boards after Pearl Harbor ever took part in the last world war. Understand that. I will say it again. Not one airplane the designs for which went on the drawing boards after Pearl Harbor ever participated in the last war. The point is that you must first have your experimentation and development. Then you must develop your industry, so that they will have experience in quantity production. Then you have to get young men to fly these jet-propelled planes and should we ever get to atomic-energy-propelled planes the men must be trained as well for that. You must develop your industry and personnel as well as have your scientific research and development.

But I said a while ago about how some of my very good friends here went off following the 3,400 plane idea on the assurance of men whose faces were very, very red and whose tempers rose quite high. I was with them in Namur, Belgium, in 1944. We stood there listening to one of those tremendous bomber raids that passed over from England on its way into Germany in those final attacks that knocked Germany out of the war. Raids consisting of about 1,000 bombers and escort planes bringing the total number to more than 3,400 planes. I thought I detected upon their faces a rather sheepish look. I do not believe that those friends of mine are going to go off again today on a thing of the same character backed by the same type of argument.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KILDAY. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. The figures that the War Department submitted through the Bureau of the Budget contemplated 932 aircraft for a 400,000-man air force. I should say on the face of it that that would be a minimum. But by the time the bill reached here the number of planes that amount of money would have bought, because of the increase in price, had been reduced to 749 planes. The bill proposes to give the Army Air Forces, which is stabilized at 400,000 men, 561 airplanes. Are you going to be able to vote to cut the production of airplanes in this great Nation which has said that we are going to stop communism at the borders of the countries into which communism is trying to intrude itself? Are you going to say to the people whom you expect to stand up against communism, against Russia, if you please, that this great powerful Nation, is going to cut the production of airplanes? Are we going to say to the Russian Bear that we are now producing planes at the tremendous rate of 561 a year, including fighters, bombers, and what not.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. MITCHELL. You mention the figure 500 planes.

Mr. KILDAY. I said 561.

Mr. MITCHELL. Why do you not say whether they are fighters or whether they are $5,000,000 bombers?

Mr. KILDAY. I will ask that you tell me that. I yield to the gentleman to tell me that.

Mr. MITCHELL. I am asking you to tell me.

Mr. KILDAY. Yes, of course, you do not know; yet, you are going to vote to cut it down to 561 airplanes, even though they be puddle-jumpers. You do not know and you are willing to vote to cut it down.

Mr. MITCHELL. I know they are not puddle-jumpers. I know that you are trying to confuse the issue.

Mr. KILDAY. I leave that to the gentlemen who have served with me longer and who know my reputation for confusing the issue. But I do submit that the powerful United States is going to be held up to the world now as the protector of small nations against communism, as the great Nation which produced 561 airplanes, bombers, if you please, or 561 fighters.

I would not vote to appropriate money for the large-scale production of even B–29's. Whether some of you think otherwise or not, I still think it is the best heavy bomber in the world. I would not vote for a dollar for the production of P–51's or P–47's, but I do know our jet-propelled planes did not get into the last war because we did not get started on their production and their use in time. I know that atomic energy may be or may not be susceptible of such use, but I see where Willi Messerschmidt said we had approached him, as the greatest aeronautical engineer of Germany, to come here and work on atomic-propelled airplanes. I do not know whether his statement is true or whether he is coming or not. If he does not do it, somebody ought to. All I know is that my own country cannot afford in these crucial hours to say that 561 airplanes is the maximum production we are going to have during the ensuing year. I hope the amendment is adopted.

The CHAIRMAN. The time of the gentleman from Texas [Mr. KILDAY] has again expired.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I think we ought to consider some aspects of the aircraft industry itself and to realize a few of the basic facts.

In the first place, the air-frame industry is divided into two general parts. There is, first, that section which produces a very large number of small-type aircraft, generally for personal use. That includes the airplanes such as the Piper Cub and all the rest of those planes which are relatively quite small. The balance of the air-frame industry is the part that produces the metal aircraft, built for special performance, whether it be of the fighter type or the bomber type, the cargo- or passenger-carrying transport type. There are also the instrument, accessory, and radio manufacturers, without whose efforts toward production, the entire industry must fail.

The engine industry is similarly divided into two sections: First, that section which produces the small-type engines for the planes first mentioned; and, secondly, that section which produces the large-type engines for the military and transport types.

In the engine industry we have two principal reciprocating engine companies, Pratt & Whitney and Wright. Engaged in the manufacture of jet aircraft engines, we have the General Electric Co. and the Westinghouse Co. I understand that Pratt & Whitney is soon to engage in jet-engine manufacture also under British license.

In the jet field it is acknowledged by all concerned that the British are about 2 years ahead of the United States in the design and manufacture of the jet-type engines. That was testified to before our committee in its consideration of our air-navigational problems, and we are very well aware of it. We are also well aware of another thing, namely, that the British have sold 100 of their best and most modern-type engines to the Soviet Government. It is also well known that several hundred of the very finest scientists and engineers who worked for the Nazi Government have been taken inside Russia, and many of them are now working on the improvement of the jet engine.

As I said, many of the former German scientists are now working for the Soviet Government in the improvement

of that engine, which is already 2 years ahead of ours. We have had to even go so far as to take a license from the British for the manufacture of their advanced jet-type engines. The Pratt & Whitney Co., I understand, is now taking over that license to manufacture the British jet engines.

Mr. ENGEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. ENGEL of Michigan. If this bill passes, the Air Forces will have available for research and development with 1948 and prior year funds $553,000,000 to take care of exactly what the gentleman is speaking about. There was not one dollar for research and development, there was not one employee—and they have 7,000 employees in research and development—that was cut out of the Air Forces.

Mr. HINSHAW. I appreciate very much the gentleman's statement. It is no doubt correct, and I think the amount of funds requested of and allowed by the committee are quite appropriate under the circumstances. I have no argument to make on that score.

I want to recall a time when a number of us were here, the years 1939 and 1940. We came here one morning and found that the United States had on hand and on order a certain amount of military equipment. About 95 percent of it was on order and 5 percent on hand. The Members who were here then will remember that we had on hand something like 1,952 military aircraft. Of that 1,952 military aircraft that were on hand in our Air Forces, exactly 52 of them—the then model of the B–17—were fit for combat duty. We started this last war with 52 then modern aircraft, although we had some 1,900 obsolete aircraft on hand. I think no one will disagree with that statement.

I do not care how many planes we have on hand that were left over from this last World War, there is hardly one of them that is fit to serve in any national defense effort that we may have to exert in the near future. We have a few jets, some P–80's that happen to be made in my own part of the United States, that are now being used for test and training purposes by the Army, but beyond the P–80 there is the P–82, the P–83, and the P–84. When it comes to bombers the B–29 is now a medium-type bomber that is no longer the largest type. There is the B–35, the B–36, the B–45, the B–46, the B–47, and the B–48, which have jet-type propulsion motors.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Some time ago it was the privilege of my committee to visit the installation at Muroc Dry Lake where tests are made on modern type aircraft. We saw the B–46 that was undergoing tests in 1947. It is a prototype aircraft. It is not yet in production; as a matter of fact all of the tests on it are not completed. But, remember, that is a class of aircraft we need to have in production. We also saw the B–35 and the B–36 and other aircraft that were there. Those are going to be the aircraft of the near future. In that case we should have no further use for the types we used in the past World War. They are obsolete. I do not care how many of them we might have in storage, they are not going to be of much use to us except on a temporary basis in any emergency of the immediate future. We might just as well give them to China or Siam or any other nation that wants to train its fliers to operate them. The safety of the United States will largely depend on keeping up the production facilities for the modern type of aircraft. The modern aircraft-production industry cannot be turned off and on like a spigot; it needs 5 years to develop an airplane. When you shut down the aircraft industry it will take 2 years to get it going again. And I tell you this right here and now, there is no nation who might feel like becoming an aggressor in this world who does not know that if it is going to be successful it is going to have to attack the United States first this time, not last; and I think that it is up to the United States for the protection of the peace of the world to maintain its aircraft industry and its production at the highest possible peacetime rate.

I appreciate the necessity for research and development; it is absolutely necessary, but you must keep your production lines going, you have got to keep them going or your trained and skilled personnel in that industry are going to drift away from it and the industry itself will then bog down. To keep this industry up to a point sufficient to support the needs of national defense requires that they build 3,600 planes a year for the armed services. You have now got it cut down to about 1,200. Remember that in the event of a national emergency you cannot turn the aircraft industry on and off like a spigot and have them begin at once to turn out jet-type aircraft; it is an industry that has to be kept going at an operating level all the time. If you think otherwise you are crazy, and I do not mind telling you so.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. RIVERS. Does the gentleman believe this bill is adequate to keep the industry going in performing condition?

Mr. HINSHAW. That I do not believe. I will just say this, that the President cut funds from the appropriation made last year for the production of airplanes and transferred the funds to other uses.

I do not know why my side of the committee did not protest against that cut as well as the other side. I think both sides should have protested it and hollered to high heaven about those transfers that were made by the President.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I would suggest that the gentleman read the hearings and he will find that some Members on his side of the aisle have several pages in the record calling attention to what that cut was and what it did.

Mr. HINSHAW. I appreciate that. I have not had the time to read 1,600 pages as carefully as I should. I have only been able to glance through them, but I appreciate the viewpoint because it is correct, as the gentleman has stated it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WORLEY. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I thought that the Congress of the United States had at last learned what we should have learned after the First World War and certainly what we should have learned from our experience before and during World War II, that is the near-fatal philosophy of too little too late. It seems to me that we are repeating today, or at least this is one of the first steps in repeating, that same dangerous philosophy of not having enough when we need it.

A good bit of discussion has been had about the relative strength of our own Air Forces compared with those of other countries of the world. I do not know how absolutely accurate the statement is I am going to read to the Committee, but it was carried in the Washington Post on or about April 10, 1947, as a news item. It is reported by the United Press, which is a reliable news-gathering association, and it reads as follows:

SOVIET PLANE OUTPUT SET AT 100,000

Russia will produce 100,000 military and civilian planes this year and is fast overcoming American air dominance, Collier's magazine reported last night.

Soviet figures disclosed in the article exceed America's wartime best and virtually triple this country's 1946 output.

Reporting "Soviet leaders are staking everything on air preparations," the article said Russia has shifted emphasis from fighters to bombers.

The 100,000 figure compares with 36,204 planes produced here in 1946. In 1944, America, fully mobilized, produced 96,369 military planes.

The article reported the Red civil air fleet has become a "Kremlin pet," under Air Marshal Fedor Astakhov. Air lines in satellite countries have Russian financial, equipment, and technical aid, with the surviving personnel of the old German air lines, Deutsche Lufthansa, now working for Russia, it said. They work with a "bottomless purse."

The satellites, it said, obtain air agreements with America, paving the way for Russian-dominated air lines to fly here without permitting our lines to enter Russia.

I hope the Committee will pay particular attention to the concluding paragraph:

The Red air force was said to have 10 airborne divisions and plans for 35. The United States has one.

We cannot make a mistake, Mr. Chairman, today, in supporting the amendment offered by the gentleman from Texas, but I am firmly convinced that we will make a serious mistake if we reject this restitution of the aircraft for which the War Department is pleading.

Mr. RIVERS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a member of the Armed Services Committee, I, like you, feel my responsibility in the passage of this bill and its over-all effect on us now and in the future. I want you to know that the source of my information is the source where the Committee on Appropriations gets theirs. We had the same access to records as did the Committee on Appropriations, and surely we have the same responsibility as any committee or any Member of Congress. At the same time, I fully realize that our sincerity and our patriotism are no better than yours.

The passage of this bill today will determine what we will have by way of air strength and by way of an Army, so far as that is concerned, in the future. We know from experts that today we are No. 3 with an air force, and in a little while we are going to vote for "uniexpansion," not "unification." We will have a separate air force, I hope, and we will not be content to have a third-rate air force. Your vote today will determine where you are going tomorrow. If you are satisfied with a third-rate air force, vote to dismantle it. We did a pretty good job sinking the Navy the other day. For God's sake, do not shoot down all of our airplanes by your vote today.

Remember this, that you have to have an air force in this country that can strike a long ways off immediately. It has always got to be in readiness. As the distinguished gentleman from Texas told you with a master's voice, not one airplane that was designed after Pearl Harbor ever got in the air. The B–29's never got to Europe; the few we had went to the Pacific. It takes about 5 years to get an airplane in the air, and those now on the drawing boards, the prototype airplanes, will never satisfy the needs.

My good friend from North Carolina, the Honorable CARL DURHAM, when he came back from Europe recently, told us an alarming story regarding a great airplane installation, a missile factory, 32 miles underground. That airplane factory was tunnelled by the resourceful Germans 32 miles underground, rock-ribbed and secure. Every inch of that V–2 factory fell into the hands of the Russians, with the know-how that goes with it, and it is loaded to the gills with machinery that came from Milwaukee. Those Russians have the know-how on guided missiles, they have the know-how on jet-propelled airplanes. I know, if you can believe anything the people in the Air Forces tell you, that we are behind on the jet airplane. These are straws in the wind. We are paying those fellows and they had better be telling the truth. I for one prefer to believe them.

We hear a lot about the GI's who served in this war and served gloriously. Many of them flew, like my good friend from Mississippi. I hope some of them will get up here and tell us.

I am not satisfied with this bill. I believe it is bad. I do not care what you say about the interchange of scientific development, I know that those who are in charge of scientific development out there at Wright Field in Ohio are not satisfied.

I do not care what President Truman did by way of his rescission of $500,000,000. That is his responsibility, but I tell you today it is my responsibility, today it is mine, and I propose to vote against dismantling our Air Forces. I am not satisfied with this bill. I believe we need more money. On any occasion where I can vote to give them more, I propose to do it. I do not think 561 airplanes are enough. I do not think a willingness to give them more is enough. The thing to do is to give it to them, because when they strike they are going to strike hard and fast. Let us have an airplane ready to strike a lot further away than anybody has had an airplane or guided missile go. If you do that, your responsibility will have been discharged and discharged well. The question is, where do you want to stand? As far as I am concerned, I want to stand where I know that my responsibiilty has been carried out. I tell you, in the next war, he who comes out second will not come out at all.

Mr. JOHNSON of California. Mr. Chairman, I move to strike out the last 7 words.

Mr. Chairman, the trouble with frittering away the money we must have for airplanes to be adequately prepared, is that you will never know your folly until long after we have left this House. I saw a little air force in the First World War, which I thought would be the pattern for what would be future warfare if we ever had another war. I came out of the first war firmly convinced that the world's great nations would never engage in a folly like war again during my lifetime. I lived to see the day when the American Air Force became the spearhead of our entire defense system. It is the planes that will turn the victory, as numerous speakers have mentioned here today. It takes a long time to build an airplane. The B–29 got out of the blueprint stage in 1935 but they were not on the front until 1944. The unborn planes and plans that were in our laboratories and factories at the end of this war are the ones that are going to come out in the near future.

One point I want to make to you today is that I am convinced to the point of an obsession, that measured by the present destructive capacity of the human race and the armies and navies today the world cannot stand another war. You and I know the world is still governed by force. The big men of the large nations will listen to the representative of a nation that has force behind it, stark, brute, military and industrial force. When our Secretary of State talks, his words are exactly as convincing or exactly as weak as we are strong or we are weak in a military way. We must take advice from the men who have the trusteeship of our national defense, whose duty it is to provide the protection of our national life against any aggression by any power or combination of powers.

The Air Forces asked for a force of 400,000 men, which was concurred in by the Chief of Staff and the Secretary of War. The request was cut down to 375,000. The same group also asked for over 900 airplanes, and a system of production where we would have continuous production lines that would have no interruption. When you fritter those requests down to five-hundred-plus planes you are liable to destroy that continuous flow of production that is essential in modern warfare and thus lose our industrial potential, as to airplanes, so essential in this air age.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Texas.

Mr. KILDAY. May I ask my friend if he would not agree that when word goes out over the world that our Army people, that is, the administration dealing with those foreign nations, ask for 932 airplanes and wind up with 561, that constitutes repudiation by the Congress of the United States of the people who are trying to be stern with the aggressors of Europe?

Mr. JOHNSON of California. I do not know that it constitutes a repudiation but it is notice to the world that we are disintegrating to a certain extent and that we are not going to back up our strong words with a strong military and production force.

Another point I would like to make to you is that our best gamble for peace and our best gamble to restore peace to a world which is in chaos and trouble and turmoil is for America to remain strong. All the people who have studied international problems tell us that if America remains strong we have the potentiality of leading this troubled world into an era of peace. If we disintegrate we are laying the groundwork for the war that our sons and grandsons may have to fight 20 or 30 or 35 years from today.

As I say, the key to the whole American defense system is the Air Force of the United States. It was the power that brought about victory by mass raids and mass destruction of the production and communications system of Germany, Italy, and Japan. We must be ready in the future. In the future we will not have time to get ready as we did in the last two wars. The troubles of the world will be in our lap at once. There will be no declaration of war. There will be no warning of war until flying over our great American industrial centers we see the guided missiles and the great airplanes that will lay us low with one single blast before we can get ready to defend our country, if we are foolish and weak enough not to be on the alert, ready to defend or strike when the storm breaks.

That is why I am so anxious to see you restore this forty or fifty million dollars. It may be a mere drop in the bucket considering the benefits that we will reap, but it is the amount that we need to keep the Air Force at a strength which the experts on the subject of our national defense, the Air Force officers and Air Force men, tell us is absolutely essential for our national security.

Mr. Chairman, I hope this amendment will be adopted.

Mr. BROOKS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment to restore to the bill the $40,000,000 for airplanes which was taken out of it.

Mr. Chairman, for fully two decades we have fought this same fight—the fight to attempt to depreciate the value of aircraft. Consciously or unconsciously, it has a good deal to do with this particular appropriation today.

I served on the old Committee on Military Affairs, and I am now serving on the Committee on Armed Services of the House. I saw this selfsame fight carried on from the time of the organization of our Air Forces and from the fight of Billy Mitchell to obtain a place in the sun for the Air Forces. The fight has gone on. Back in the thirties we saw the fight in the Congress and in the Committee on Military Affairs to hold down the size of the Air Forces and the number of airplanes.

My good friend and colleague from the State of Texas [Mr. KILDAY] has referred you to the bill which was passed in 1939 authorizing the purchase of 6,000 airplanes as the sum total of airplanes for the Army Air Forces. I recall very vividly the fight which was made then in the Committee on Military Affairs and the fight that was made on this floor. As it has been said, the fight was to reduce that 6,000 airplanes down to 3,500 airplanes. When that effort became a failure, a fight was made to reduce the number from 6,000 down to 5,500, and for a time the bill contained an amendment reducing the sum total of the air strength to 5,500. Then someone presented an amendment which was placed in the bill for a time to stagger the purchase of these airplanes over a period of 5 years so that we would not get our air force loaded down with what they said was the huge number of 5,500 airplanes. All of that time over there in the skies of Europe dark clouds were working up and anyone with any foresight at all could see a war in the offing. Here on the floor of the House in Washington we were fighting over an amendment as to whether or not we would authorize the purchase of 5,500 airplanes at one time or whether we would stagger the purchase of them over a period of 5 years, one-fifth each year.

This fight still goes on. I think unconsciously sometimes and consciously at other times, those who oppose increasing the strength of the air force are doing so to the serious detriment of the safety of our country. The men who today recommend to the Congress the purchase of 932 airplanes are to a large extent the same men who handled our air forces in Europe and in the Pacific during the war. We had confidence in those men as our leaders at that time. They did a magnificent job in Europe. They did a grand job in the Pacific. They were backed up by skilled, trained airmen, and they did the job that was necessary to win. They tell us today that we need 932 airplanes. The sole question before this Congress is, Shall we get 932 airplanes or shall we again depreciate the value of the air service and reduce that number to some 580? That is the question that the Congress has the responsibility for answering today. In the light of history and in the light of the fight that has gone on in the past, we should give the air forces what it says is needed as the irreducible minimum for our air strength.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BROOKS] has expired.

Mr. FISHER. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I asked for this time in order to read a paragraph from a letter which I received last February from a very eminent authority on the subject of national defense in this country. It was learned last February that Lt. Gen. Ira C. Eaker planned to retire on the 15th of June. In response to an expression of regret, he wrote me a letter, one paragraph of which I think it would be interesting for everyone to hear and one which I think every American should read and remember.

As I stated a moment ago, this letter is from General Eaker, who commanded the American Air Forces in the ETO during the war and who is recognized as one of the most brilliant strategists to come out of this war and one of our most distinguished soldiers. I would like to have this expression of General Eaker considered by the House in connection with the pending amendment and this appropriation bill. Of course, it does not refer to any appropriation bill in particular, but it does refer in general to the vital defense and the future security of this country.

I have been a fairly close student for many years of history in the making. This interest and knowledge of the subject were greatly heightened during the years I was abroad in the Second World War. As a result of my analysis of the situation, I am as certain as I am of anything that rough weather lies ahead for our country. I think this may not be entirely because of the antagonism of any foreign power. I believe the lack of interest and concern on the part of our citizens will be a more immediate cause of our undoing. What I see happening today is a clear carbon copy of what happened in the years from 1919 to 1939. I think the result will be the same with this difference. In the First and Second World Wars we were given 2 years or more to gear from a very depreciated peacetime military strength to a tremendous potential for all-out war. Our industrial capacity and our manpower were undisturbed by foreign weapons during that period. The enemy had no weapon which could reach our industrial areas and attack our manpower while we got ready. The next time this fortunate circumstance will not apply. There will be a weapon in the hands of the enemy, the long-range bomber and the long-range guided missile, with which he can attack our industrial cities and depreciate our manpower while we are struggling back from a low level to the height of our potential.

Any aggressor of the future will have learned from the last two world wars that he must attack the United States first and prevent its manpower and weapon-making capacity from building to full scale if he is to win. Therefore, it is inevitable that any war of the future will be heralded by initial attacks by long-range weapons on the factories and cities of the United States. We will never have 2 to 3 years in the future to get ready; we will be cut down before we have that opportunity.

Mr. Chairman, this letter comes from a man who was quoted in the press a few months ago as saying that a second-best air force in modern warfare is of the same value as a second-best poker hand.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield.

Mr. THOMASON. I wish to join my colleague in paying deserved tribute to a great American and a great Texan. The gentleman and I both know the stock from which General Eaker comes. His parents live in the gentleman's district and the general's brother, Claude Eaker, lives in my district at Fort Stockton and we have known the family for many years. I recall that as a young rancher, which General Eaker was before World War I, he enlisted as a private in the armed services in my home city of El Paso, at Fort Bliss. From then until today his rise has been steady and deserved. I regard him as one of the greatest officers who has come out of two world wars, and whether he is in the Army or out of it, he is a great citizen and a great American. He carries with him in his retirement the affection of the people of his native State of Texas and the admiration and gratitude of all the patriotic and peace-loving people of our great Nation.

Mr. FISHER. I thank the gentleman for his contribution. General Eaker, as we all know, has served 30 years quite brilliantly, and in the Air Corps he certainly contributed tremendously to the winning of the war and to the security of this Nation. His views on this subject are worthy of consideration and study by the American people, and will be widely respected now and in the future by all thinking people who are devoted to the future of our country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ENGEL of Michigan. Mr. Chairman, in order to see if we can arrive at an agreement to limit debate on this amendment I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour, the last 10 minutes to be reserved to the committee.

Mr. MAHON. Mr. Speaker, reserving the right to object, how much time will that give the Members wishing to be heard on the amendment?

Mr. ENGEL of Michigan. I have allowed 5 minutes to each Member indicating a desire to be heard.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL of Michigan. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to revise and extend his remarks.

LABOR-MANAGEMENT RELATIONS ACT, 1947

Mr. HARTLEY. Mr. Speaker, I call up the conference report on the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes; and I ask unanimous consent that the statement of the managers be read in lieu of the full report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HOFFMAN. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The comittee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SHORT TITLE AND DECLARATION OF POLICY

"SECTION 1. (a) This Act may be cited as the 'Labor Management Relations Act, 1947'.

"(b) Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other, and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety, or interest.

"It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

"TITLE I—AMENDMENT OF NATIONAL LABOR RELATIONS ACT

"SEC. 101. The National Labor Relations Act is hereby amended to read as follows:

"'FINDINGS AND POLICIES

"'SECTION 1. The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"'The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

"'Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

"'Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"'It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

"'DEFINITIONS

"'SEC. 2. When used in this Act—

"'(1) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

"'(2) The term "employer" includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"'(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

"'(4) The term "representatives" includes any individual or labor organization.

"'(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"'(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"'(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

"'(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

"'(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the associaton or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

"'(10) The term "National Labor Relations Board" means the National Labor Relations Board provided for in section 3 of this Act.

"'(11) The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"'(12) The term "professional employee" means—

"'(a) any employee engaged in work (i) predominantly intellectual and varied in

character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

"'(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

"'(13) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

"'NATIONAL LABOR RELATIONS BOARD

"'SEC. 3. (a) The National Labor Relations Board (hereinafter called the "Board") created by this Act prior to its amendment by the Labor Management Relations Act, 1947, is hereby continued as an agency of the United States, except that the Board shall consist of five instead of three members, appointed by the President by and with the advice and consent of the Senate. Of the two additional members so provided for, one shall be appointed for a term of five years and the other for a term of two years. Their successors, and the successors of the other members, shall be appointed for terms of five years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"'(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

"'(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"'(d) There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices. He shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under section 10 and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board may prescribe or as may be provided by law.

"'SEC. 4. (a) Each member of the Board and the General Counsel of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties. The Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts. No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings, or recommendations. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, or for economic analysis.

"'(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"'SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

"'SEC. 6. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this Act.

"'RIGHTS OF EMPLOYEES

'SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

"'UNFAIR LABOR PRACTICES

"'SEC. 8. (a) It shall be an unfair labor practice for an employer—

"'(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

"'(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided,* That subject to rules and regulations made and published by the Board pursuant to section 6, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

"'(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided,* That nothing in this Act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made; and (ii) if, following the most recent election held as provided in section 9 (e) the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to authorize such labor organization to make such an agreement: *Provided further,* That no employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

"'(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

"'(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

"'(b) It shall be an unfair labor practice for a labor organization or its agents—

"'(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided,* That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

"'(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

"'(3) to refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 9 (a);

"'(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person; (B) forcing or requiring any other employer to recognize

or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9; (C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9; (D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act;

"'(5) to require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected; and

"'(6) to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

"(c) The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

"'(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided*, That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

"'(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

"'(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

"'(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

"'(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later:

The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9 (a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

"'REPRESENTATIVES AND ELECTIONS

"'SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further*, That the bargaining representative has been given opportunity to be present at such adjustment.

"'(b) The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the Board shall not (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation or (3) decide that any unit is appropriate for such purposes if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises; but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"'(c) (1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

"'(A) by an employee or group of employers or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9 (a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9 (a); or

"'(B) by an employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 9 (a);

the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"'(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 10 (c).

"'(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held. Employees on strike who are not entitled to reinstatement shall not be eligible to vote. In any election where none of the choices on the ballot receives a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

"'(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Board.

"'(5) In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling.

"'(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

"'(e) (1) Upon the filing with the Board by a labor organization, which is the representative of employees as provided in section 9 (a), of a petition alleging that 30 per centum or more of the employees within a unit claimed to be appropriate for such purposes desire to authorize such labor organization to make an agreement with the employer of such employees requiring membership in such labor organization as a condition of employment in such unit, upon an appropriate showing thereof the Board shall, if no question of representation exists, take a

secret ballot of such employees, and shall certify the results thereof to such labor organization and to the employer.

"'(2) Upon the filing with the Board, by 30 per centum or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 8 (a) (3) (ii), of a petition alleging they desire that such authority be rescinded, the Board shall take a secret ballot of the employees in such unit, and shall certify the results thereof to such labor organization and to the employer.

"'(3) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held.

"'(f) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless such labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit (A) shall have prior thereto filed with the Secretary of Labor copies of its constitution and bylaws and a report, in such form as the Secretary may prescribe, showing—

"'(1) the name of such labor organization and the address of its principal place of business;

"'(2) the names, titles, and compensation and allowances of its three principal officers and of any of its other officers or agents whose aggregate compensation and allowances for the preceding year exceeded $5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

"'(3) the manner in which the officers and agents referred to in clause (2) were elected, appointed, or otherwise selected;

"'(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;

"'(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

"'(6) a detailed statement of, or reference to provisions of its constitution and bylaws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings, (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor;

and (B) can show that prior thereto it has—

"'(1) filed with the Secretary of Labor, in such form as the Secretary may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year, (c) the disbursements made by it during such fiscal year, including the purposes for which made; and

"'(2) furnished to all of the members of such labor organizations copies of the financial report required by paragraph (1) hereof to be filed with the Secretary of Labor.

"'(g) It shall be the obligation of all labor organizations to file annually with the Secretary of Labor, in such form as the Secretary of Labor may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (f) (A) of this section, and to file with the Secretary of Labor and furnish to its members annually financial reports in the form and manner prescribed in subsection (f) (B). No labor organization shall be eligible for certification under this section as the representative of any employees, no petition under section 9 (e) (1) shall be entertained, and no complaint shall issue under section 10 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

"'(h) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding twelve-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code shall be applicable in respect to such affidavits.

"'PREVENTION OF UNFAIR LABOR PRACTICES

"'SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise: *Provided*, That the Board is empowered by agreement with any agency of any State or Territory to cede to such agency jurisdiction over any cases in any industry (other than mining, manufacturing, communications, and transportation except where predominantly local in character) even though such cases may involve labor disputes affecting commerce, unless the provision of the State or Territorial statute applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this act or has received a construction inconsistent therewith.

"'(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said complaint: *Provided*, That no complaint shall issue based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the 6-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., title 28, secs. 723–B, 723–C).

"'(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this act: *Provided*, That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: *And provided further*, That in determining whether a complaint shall issue alleging a violation of section 8 (a) (1) or section 8 (a) (2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners, as the case may be, shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"'(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"'(e) The Board shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the District Court of the United States for the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in

the court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its members, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

"'(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered, and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"'(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

"'(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order on the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101–115).

"'(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

"'(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any district court of the United States (including the District Court of the United States for the District of Columbia), within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

"'(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the Board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless, within ten days after notice that such charge has been filed, the parties to such dispute submit to the Board satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of, the dispute. Upon compliance by the parties to the dispute with the decision of the Board or upon such voluntary adjustment of the dispute, such charge shall be dismissed.

"'(l) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (A), (B), or (C) of section 8 (b), the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the Board, petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein such person resides or transacts business, for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further*, That no temporary restraining order shall be issued without notice unless a petition alleged that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further*, That for the purposes of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate the procedure specified herein shall apply to charges with respect to section 8 (b) (4) (D).

"'INVESTIGATORY POWERS

"'SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

"'(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party, subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion that evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpena does not describe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"'(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"'(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to

testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"'(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegram receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"'(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

"'(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"'SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

"'LIMITATIONS

"'SEC. 13. Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

"'SEC. 14. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this Act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

"'(b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

"'SEC. 15. Wherever the application of the provisions of section 272 of chapter 10 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto (U. S. C., title 10, sec. 672), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

"'SEC. 16. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"'SEC. 17. This Act may be cited as the "National Labor Relations Act".'

"EFFECTIVE DATE OF CERTAIN CHANGES

"SEC. 102. No provision of this title shall be deemed to make an unfair labor practice any act which was performed prior to the date of the enactment of this Act which did not constitute an unfair labor practice prior thereto, and the provisions of sections 8 (a) (3) and section 8 (b) (2) of the National Labor Relations Act as amended by this title shall not make an unfair labor practice the performance of any obligation under a collective-bargaining agreement entered into prior to the date of the enactment of this Act, or (in the case of an agreement for a period of not more than one year) entered into or after such date of enactment, but prior to the effective date of this title, if the performance of such obligation would not have constituted an unfair labor practice under section 8 (3) of the National Labor Relations Act prior to the effective date of this title, unless such agreement was renewed or extended subsequent thereto.

"SEC. 103. No provisions of this title shall affect any certification of representatives or any determination as to the appropriate collective-bargaining unit, which was made under section 9 of the National Labor Relations Act prior to the effective date of this title until one year after the date of such certification or if, in respect of any such certification, a collective-bargaining contract was entered into prior to the effective date of this title, until the end of the contract period or until one year after such date, whichever first occurs.

"SEC. 104. The amendments made by this title shall take effect sixty days after the date of the enactment of this Act, except that the authority of the President to appoint certain officers conferred upon him by section 3 of the National Labor Relations Act as amended by this title may be exercised forthwith.

"TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE; NATIONAL EMERGENCIES

"SEC. 201. That it is the policy of the United States that—

"(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

"(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes; and

"(c) certain controversies which arise between parties to collective-bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees in formulating for inclusion within such agreements provision for adequate notice of any proposed changes in the terms of such agreements, for the final adjustment of grievances or questions regarding the application or interpretation of such agreements, and other provisions designed to prevent the subsequent arising of such controversies.

"SEC. 202. (a) There is hereby created an independent agency to be known as the Federal Mediation and Conciliation Service (herein referred to as the "Service", except that for sixty days after the date of the enactment of this Act such term shall refer to the Conciliation Service of the Department of Labor). The Service shall be under the direction of a Federal Mediation and Conciliation Director (hereinafter referred to as the "Director"), who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business, vocation, or employment.

"(b) The Director is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make such expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for that purpose.

"(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this Act to any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for cooperation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year.

"(d) All mediation and conciliation functions of the Secretary of Labor or the United States Conciliation Service under section 8 of the Act entitled 'An Act to create a Department of Labor', approved March 4, 1913 (U. S. C., title 29, sec. 51), and all functions of the United States Conciliation Service under any other law are hereby transferred to the Federal Mediation and Conciliation Service, together with the personnel and records of the United States Conciliation Service. Such transfer shall take effect upon the sixtieth day after the date of enactment of this Act. Such transfer shall not affect any proceedings pending before the United States Conciliation Service or any certification, order, rule, or regulation theretofore made by it or by the Secretary of Labor. The Director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor.

"FUNCTIONS OF THE SERVICE

"SEC. 203. (a) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation.

"(b) The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

"(c) If the Director is not able to bring the parties to agreement by conciliation within a reasonable time, he shall seek to induce the parties voluntarily to seek other means of settling the dispute without resort to strike, lock-out, or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the Director shall not be deemed a violation of any duty or obligation imposed by this Act.

"(d) Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement. The Service is directed to make its conciliation and mediation services available in the settlement of such grievance disputes only as a last resort and in exceptional cases.

"SEC. 204. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

"(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

"(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

"(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service under this Act for the purpose of aiding in a settlement of the dispute.

"SEC. 205. (a) There is hereby created a National Labor-Management Panel which shall be composed of twelve members appointed by the President, six of whom shall be selected from among persons outstanding in the field of management and six of whom shall be selected from among persons outstanding in the field of labor. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. Members of the panel, when serving on business of the panel, shall be paid compensation at the rate of $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

"(b) It shall be the duty of the panel, at the request of the Director, to advise in the avoidance of industrial controversies and the manner in which mediation and voluntary adjustment shall be administered, particularly with reference to controversies affecting the general welfare of the country.

"NATIONAL EMERGENCIES

"SEC. 206. Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public.

"SEC. 207. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"(b) Members of a board of inquiry shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

"(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

"SEC. 208. (a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

"(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

"(b) In any case, the provisions of the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be applicable.

"(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification provided in sections 239 and 240 of the Judical Code, as amended (U. S. C., title 29, secs. 346 and 347).

"SEC. 209 (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

"(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a sixty-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employer's last offer of settlement. The President shall make such report available to the public. The National Labor Relations Board within the succeeding fifteen days, shall take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within five days thereafter.

"SEC. 210. Upon the certification of the results of such ballot or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the ballot taken by the National Labor Relations Board, together with such recommendations as he may see fit to make for consideration and appropriate action.

"COMPILATION OF COLLECTIVE-BARGAINING AGREEMENTS, ETC.

"SEC. 211. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of all available collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes. Such file shall be open to inspection under appropriate conditions prescribed by the Secretary of Labor, except that no specific information submitted in confidence shall be disclosed.

"(b) The Bureau of Labor Statistics in the Department of Labor is authorized to furnish upon request of the Service, or employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor dispute, except that no specific information submitted in confidence shall be disclosed.

"EXEMPTION OF RAILWAY LABOR ACT

"SEC. 212. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

"TITLE III

"SUITS BY AND AGAINST LABOR ORGANIZATIONS

"SEC. 301 (a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this Act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

"(b) Any labor organization which represents employees in an industry affecting commerce as defined in this Act and any employer whose activities affect commerce as defined in this Act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

"(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which

its duly authorized officers or agents are engaged in representing or acting for employee members.

"(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"(e) For the purposes of this section, in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

"RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

"SEC. 302. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are employed in an industry affecting commerce.

"(b) It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

"(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court of a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided*, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; or (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of the employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities.

"(d) Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or to imprisonment for not more than one year, or both.

"(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section, without regard to the provisions of sections 6 and 20 of such Act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (U. S. C., title 29, secs. 101–115).

"(f) This section shall not apply to any contract in force on the date of enactment of this Act, until the expiration of such contract, or until July 1, 1948, whichever first occurs.

"(g) Compliance with the restrictions contained in subsection (c) (5) (B) upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreement prior to January 1, 1946, nor shall subsection (c) (5) (A) be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits.

"BOYCOTTS AND OTHER UNLAWFUL COMBINATIONS

"SEC. 303. (a) It shall be unlawful, for the purposes of this section only, in an industry or activity affecting commerce, for any labor organization to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is—

"(1) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person;

"(2) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

"(3) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

"(4) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class unless such employer is failing to conform to an order or certification of the National Labor Relations Board determining the bargaining representative for employees performing such work. Nothing contained in this subsection shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under the National Labor Relations Act.

"(b) Whoever shall be injured in his business or property by reason of any violation of subsection (a) may sue therefor in any district court of the United States subject to the limitations and provisions of section 301 hereof without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

"RESTRICTIONS ON POLITICAL CONTRIBUTIONS

"SEC. 304. Section 313 of the Federal Corrupt Practices Act, 1925 (U. S. C., 1940 edition, title 2, sec. 251; Supp. V, title 50, App., sec. 1509), as amended, is amended to read as follows:

"'SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other persons to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.'

"STRIKES BY GOVERNMENT EMPLOYEES

"SEC. 305. It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency.

"TITLE IV

"CREATION OF JOINT COMMITTEE TO STUDY AND REPORT ON BASIC PROBLEMS AFFECTING FRIENDLY LABOR RELATIONS AND PRODUCTIVITY

"SEC. 401. There is hereby established a joint congressional committee to be known as the Joint Committee on Labor-Management Relations (hereafter referred to as the committee), and to be composed of seven Members of the Senate Committee on Labor and Public Welfare, to be appointed by the President pro tempore of the Senate, and seven Members of the House of Representatives Committee on Education and Labor, to be appointed by the Speaker of the House of Representatives. A vacancy in membership of the committee shall not affect the powers of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original selection. The committee shall select a chairman and a vice chairman from among its members.

"SEC. 402. The committee, acting as a whole or by subcommittee, shall conduct a thorough study and investigation of the entire field of labor-management relations, including but not limited to—

"(1) the means by which permanent friendly cooperation between employers and employees and stability of labor relations may be secured throughout the United States;

"(2) the means by which the individual employee may achieve a greater productivity and higher wages, including plans for guaranteed annual wages, incentive profit-sharing and bonus systems;

"(3) the internal organization and administration of labor unions, with special attention to the impact on individuals of collective agreements requiring membership in unions as a condition of employment;

"(4) the labor relations policies and practices of employers and associations of employers;

"(5) the desirability of welfare funds for the benefit of employees and their relation to the social-security system;

"(6) the methods and procedures for best carrying out the collective-bargaining processes, with special attention to the effects of industry-wide or regional bargaining upon the national economy;

"(7) the administration and operation of existing Federal laws relating to labor relations; and

"(8) such other problems and subjects in the field of labor-management relations as the committee deems appropriate.

"SEC. 403. The committee shall report to the Senate and the House of Representatives not later than March 15, 1948, the results of its study and investigation, together with such recommendations as to necessary legislation and such other recommendations as it may deem advisable, and shall make its final report not later than January 2, 1949.

"SEC. 404. The committee shall have the power, without regard to the civil-service laws and the Classification Act of 1923, as amended, to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, including consultants who shall receive compensation at a rate not to exceed $35 for each day actually spent by them in the work of the committee, together with their necessary travel and subsistence expenses. The committee is further authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of all agencies in the executive branch of the Government and may request the governments of the several States, representatives of business, industry, finance, and labor, and such other persons, agencies, organizations, and instrumentalities as it deems appropriate to attend its hearings and to give and present information, advice, and recommendations.

"SEC. 405. The committee, or any subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Eightieth Congress; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer oaths; to take such testimony; to have such printing and binding done; and to make such expenditures within the amount appropriated therefor; as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per one hundred words. Subpenas shall be issued under the signature of the chairman or vice chairman of the committee and shall be served by any person designated by them.

"SEC. 406. The members of the committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the committee, other than expenses in connection with meetings of the committee held in the District of Columbia during such times as the Congress is in session.

"SEC. 407. There is hereby authorized to be appropriated the sum of $150,000, or so much thereof as may be necessary, to carry out the provisions of this title, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman.

"TITLE V

"DEFINITIONS

"SEC. 501. When used in this Act—

"(1) The term "industry affecting commerce" means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

"(2) The term 'strike' includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slow-down or other concerted interruption of operations by employees.

"(3) The terms 'commerce', 'labor disputes', 'employer', 'employee', 'labor organization', 'representative', 'person', and 'supervisor' shall have the same meaning as when used in the National Labor Relations Act as amended by this Act.

"SAVING PROVISION

"SEC. 502. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

"SEPARABILITY

"SEC. 503. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

FRED A. HARTLEY, JR.,
GERALD W. LANDIS,
GRAHAM A. BARDEN,
Managers on the Part of the House.

ROBERT A. TAFT,
ALLEN J. ELLENDER,
IRVING M. IVES,
JOSEPH H. BALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

SHORT TITLE

The House bill provided that it was to be cited as the "Labor-Management Relations Act, 1947." The Senate amendment (section 504) provided that it was to be cited as the "Federal Labor Relations Act of 1947." The conference agreement adopts the short title of the House bill.

DECLARATION OF POLICY

The House bill (section 1 (b)) contained an over-all declaration of policy covering all of the various matters dealt with in the bill. There was no corresponding over-all declaration of policy in the Senate amendment. The conference agreement contains the declaration of policy of the House bill, with one omission. One of the policies declared in the House bill was to encourage the peaceful settlement of labor disputes affecting commerce by giving the employees themselves a direct voice in the bargaining arrangements with their employers. Since under the conference agreement the provisions relating to a secret ballot on the employer's last offer of settlement (as will be hereafter explained) are not made mandatory, this particular item has been omitted from the over-all declaration of policy in the conference agreement.

TITLE I—AMENDMENT OF NATIONAL LABOR RELATIONS ACT

Both the House bill and the Senate amendment in title I amended the National Labor Relations Act in numerous respects.

In amending section 1 of the National Labor Relations Act (the policy thereof) the House bill omitted from the present law all of the so-called findings of fact some of which have been so severely criticized as being inaccurate and entirely one-sided. The Senate amendment rewrote the findings and policies contained in section 1 of the National Labor Relations Act so that those findings will not hereafter constitute an indictment of all employers. At the same time the Senate amendment inserted in the findings of fact a paragraph to the effect that experience has demonstrated that certain practices by some labor organizations have the effect of burdening commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of commerce. The Senate amendment further declared the elimination of such practices to be a necessary condition to the assurance of the rights herein guaranteed. Thus under the Senate amendment the findings and policies of the amended National Labor Relations Act are to be "two-sided". The conference agreement adopts the provisions of the Senate amendment in this respect.

DEFINITIONS

Section 2 of the National Labor Relations Act contains definitions of the terms used therein. Both the House bill and the Senate amendment amended section 2.

(1) Person: In defining the term person, the House bill added labor organizations to the definition contained in existing law in order that there might be no question but

that labor organizations were to be considered as persons within the meaning of the new, amended Act. The Senate amendment also added labor organizations to the definition of person, but included in addition thereto their officers and employees or members. Since officers, employees and members of labor organizations are individuals, and the term person already is defined to include individuals, the conference committee deemed it unnecessary to include officers, employees and members of labor organizations in specific terms, and thus the conference agreement adopts the definition of person contained in the House bill.

(2) Employer: In defining the term employer, the House bill changed the definition of existing law in the following respects:

(A) Under existing law employer is defined to include any person acting in the interest of an employer. The House bill changed this so as to include as an employer only persons acting as agents of an employer. This was done for the reason that the Board has on numerous occasions held an employer responsible for the acts of subordinate employees and others although not acting within the scope of any authority from the employer, real or apparent.

(B) The House bill excluded from the definition of employer instrumentalities of the United States.

(C) The House bill also excluded from the definition of employer all religious, charitable, scientific, and educational organizations not organized or operated for profit.

The Senate amendment changed the definition of employer contained in existing law in but two respects:

(A) The Senate amendment excluded from the definition of employer nonprofit corporations and associations operating hospitals.

(B) The Senate amendment also provided that for the purposes of section 9 (b) of the Labor Act (the section authorizing the Board to determine the appropriate collective bargaining unit) the term employer was not to include a group of employers unless they had voluntarily associated themselves together for the purposes of collective bargaining.

The conference agreement follows the provisions of the House bill in the matter of agents of an employer, and follows the Senate amendment in the matter of exclusion of nonprofit corporations and associations operating hospitals. The other nonprofit organizations excluded under the House bill are not specifically excluded in the conference agreement, for only in exceptional circumstances and in connection with purely commercial activities of such organizations have any of the activities of such organizations or of their employees been considered as affecting commerce so as to bring them within the scope of the National Labor Relations Act. In the case of instrumentalities of the United States, the conference agreement limits the exclusion to wholly owned Government corporations and to Federal reserve banks, the latter for the reason that such banks, by their issuance of currency and their acting as fiscal agents of the Treasury, perform a vital governmental function. The treatment in the Senate amendment of the term employer for the purposes of section 9 (b) is omitted from the conference agreement, since it merely restates the existing practice of the Board in the fixing of bargaining units containing employees of more than one employer, and it is not thought that the Board will or ought to change its practice in this respect.

(3) Employee: The House bill changed the definition of employee contained in the existing law in several respects:

(A) Under the existing definition of employee the Board has treated employees striking or wages, hours or working conditions differently from employees striking because of an alleged unfair labor practice on the part of the employer. In the former case the Board has said that the individual striker retains his status as an employee under the Act only until he is replaced, whereas in the latter case the Board has said that the individual striker retains his status as an employee so long as the labor dispute is "current". This Board practice has had the effect of treating more favorably employees striking to remedy practices for which the National Labor Relations Act itself provides a peaceful administrative remedy, than employees who are striking merely to better their terms of employment. The House bill in the definition of employee provided in specific terms that these two classes of striking employees should be treated in the same fashion, i. e., they were to retain their employee status until replaced.

(B) The House bill excluded supervisors from the definition of employee.

(C) The House bill also excluded from the definition of employee any individual engaged in "agricultural labor", as that term is defined for the purposes of the Social Security Act taxes.

(D) The House bill excluded from the definition of employee individuals having the status of independent contractors. Although independent contractors can in no sense be considered to be employees, the Supreme Court in *N. L. R. B. v. Hearst Publications, Inc.* (1944), 322 U. S. 111, held that the ordinary tests of the law of agency could be ignored by the Board in determining whether or not particular occupational groups were "employees" within the meaning of the Labor Act. Consequently it refused to consider the question of whether certain categories of persons whom the Board had deemed to be "employees" were not in fact and in law really independent contractors.

(E) The House bill contained a clarifying provision to the effect that no individual was to be considered an employee for the purposes of the act unless he was employed by an employer as defined in the act.

In defining employee, the Senate amendment followed the provisions of existing law with three exceptions:

(A) The Senate amendment excluded supervisors from the definition of employee.

(B) The Senate amendment excluded "individuals employed in agriculture" as distinguished from the existing exemption of individuals employed as "agricultural laborers."

(C) The Senate amendment excluded individuals employed by any person subject to the Railway Labor Act (one of the categories of persons not treated as employers for the purposes of the act).

The conference agreement in general follows the provisions of the Senate amendment, with the following exceptions:

(A) Since the matter of the "agricultural" exemption has for the past two years been dealt with in the Appropriation Act for the National Labor Relations Board, the conference agreement does not disturb existing law in this respect.

(B) The conference agreement follows the provisions of the House bill in excluding from the definition of employee all individuals employed by persons who do not come within the definition of employers, not limiting this exclusion, as did the Senate amendment, to employees of persons subject to the Railway Labor Act.

(C) The conference agreement does not contain the specific provisions of the House bill dealing with the status of "unfair labor practice" strikers. Since the different treatment of unfair labor practice strikers and economic strikers is simply a practice of the Board which the Board can change within the framework of the existing law, it was thought by the House managers that the Board should be given an opportunity to change this practice itself rather than needlessly complicating the definition of the term employee.

In the *National Silver Company case* (71 N. L. R. B. 87) (1946), at least one member of the Board thought that the Board's policy should be to so use its powers as to encourage employees and their organizations to use the peaceful procedures under the Act instead of resorting to the strike weapon. Such a policy would seem to be more in accord with the stated purpose of the Act.

(D) The conference agreement follows the House bill in the matter of persons having the status of independent contractors.

(4) The terms "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice" were the same in both the House bill and the Senate amendment. The conference agreement does not make any change in these definitions.

(5) The House bill omitted the definition which is contained in existing law of the term "labor dispute" since a definition of that term was not considered necessary under the structure of the House bill. The Senate amendment contained the definition contained in the existing law. The conference agreement follows the provision of the Senate amendment in this respect.

(6) The definitions in the House bill and in the Senate amendment relating to the Board and the administration of the Act are hereafter discussed in connection with the explanation of the conference agreement dealing with section 3 of the National Labor Relations Act.

(7) The House bill contained a definition of the term "bargain collectively" for the purposes of the duties imposed on both parties in the amended section 8 of the Labor Act to bargain collectively with the other. By reason of a number of decisions of the Board which in effect required an employer to make or offer concessions to show that he was bargaining in good faith, the House definition proposed an objective test for determining what constituted bargaining collectively. It required first that the parties follow the procedure specified in an agreement between the parties if such an agreement was in effect, and if no such agreement was in effect, discussion between the parties at a stated number of meetings of the various proposals and counterproposals. If agreement was reached the agreement was to be put in writing. Neither party was to be required to reach an agreement, accept any proposal or counterproposal or submit counterproposals.

In addition, neither party was to be required, under his duty to bargain collectively, to discuss any matter other than those (which were set out in detail in the House bill) which the House considered to be within the proper scope of compulsory bargaining.

As part of the procedure of collective bargaining, the House bill required that the employees themselves, in a secret ballot, vote on the question of whether to reject the employer's last offer of settlement, and made it a violation of the duty to bargain to call a strike or lockout unless upon such ballot a majority of the employees eligible to vote were in favor of such rejection.

The Senate amendment did not, in the definition section, contain any definition of collective bargaining, but did contain (section 8 (d)) a provision stating what collective bargaining was to consist of for the purposes of section 8. It was stated as the performance of the mutual obligation of the parties to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment, or with respect to the negotiation of an agreement, or with respect to any question arising thereunder; and the execution of a written contract incorporating any agreement reached if desired by either party. This mutual obligation was not to compel either party to agree to a proposal or require the making of any concession. Hence, the Senate amendment, while it did not prescribe a purely objective test of what constituted

collective bargaining, as did the House bill, had to a very substantial extent the same effect as the House bill in this regard, since it rejected, as a factor in determining good faith, the test of making a concession and thus prevented the Board from determining the merits of the positions of the parties.

The Senate amendment also required, as part of the bargaining procedure, that no party to any collective bargaining contract should terminate or modify the contract unless the party desiring such termination or modification (A) served a written sixty-day notice of the proposed termination or modification on the other party, (B) offered to meet and confer with the other party with respect thereto, (C) notified the Federal Mediation and Conciliation Service (a new independent agency later discussed) within thirty days after such notice of the existence of the dispute, if agreement had not been reached by that time, and (D) continued in full force and effect, without strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after the notice of desired termination or modification was given or until the expiration date of the contract, whichever occurred later.

An employee who engaged in a strike within the 60-day period just described lost his status as an employee of the particular employer for the purposes of sections 8, 9, and 10 of the act.

The conference agreement, like the Senate amendment, does not contain a definition as such of collective bargaining, but does, in section 8 (d) of the amended Labor Act, contain provisions similar to those of the Senate amendment, with certain clarifying changes. One of the important changes is the inclusion of a provision indicating that the duty to bargain is not to be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. In addition the conference agreement omits from the Senate amendment words that were contained therein which might have been construed to require compulsory settlement of grievance disputes and other disputes over the interpretation or application of the contract.

(8) Supervisors: As heretofore stated, both the House bill and the Senate amendment excluded supervisors from the individuals who are to be considered employees for the purposes of the act. The House bill defined as supervisors, however, certain categories of employees who were not treated as supervisors under the Senate amendment. These were generally (A) certain personnel who fix the amount of wages earned by other employees, such as inspectors, checkers, weighmasters, and time-study personnel, (B) labor relations personnel, police, and claims personnel, and (C) confidential employees. The Senate amendment confined the definition of supervisor to individuals generally regarded as foremen and persons of like or higher rank.

The conference agreement, in the definition of supervisor, limits such term to those individuals treated as supervisors under the Senate amendment. In the case of persons working in the labor relations personnel and employment departments, it was not thought necessary to make specific provision, as was done in the House bill, since the Board has treated, and presumably will continue to treat, such persons as outside the scope of the Act. This is the prevailing Board practice with respect to such people as confidential secretaries as well, and it was not the intention of the conferees to alter this practice in any respect. The conference agreement does not treat time-study personnel or guards as supervisors, as did the House bill. Since, however, time-study employees may qualify as professional personnel, the special provisions of the Senate amendment (hereafter discussed) applicable with respect to professional employees will cover many in this category. In the case of guards, the conference agreement does not permit the certification of a labor organization as the bargaining representative of guards if it admits to membership, or is affiliated with any organization that admits to membership, employees other than guards. The provision dealing with the certification of bargaining units for guards is dealt with in section 9 (b) of the conference agreement, and the individuals who are to be considered as guards therein set forth.

(9) The House bill did not contain any definition of the term "professional employee," but section 9 (f) (2) thereof gave professional personnel and other distinguishable groups of employees an opportunity to exclude themselves from larger bargaining units in which it was proposed that they be included. The Senate amendment accorded a similar treatment to professional employees and defined that term. This definition in general covers such persons as legal, engineering, scientific, and medical personnel together with their junior professional assistants. The conference agreement contains the same definition of professional employee as that contained in the Senate amendment, and accords to this category the same treatment which was provided for them in section 9 (f) (3) of the House bill.

(10) Since the terms "sympathy strike," "illegal boycott," "jurisdictional strike," "monopolistic strike," and "featherbedding practice" do not appear as such in the conference agreement, the definitions of them are omitted and the treatment of the matters covered thereby are discussed in connection with the appropriate sections of the conference agreement.

(11) As heretofore stated, the conference agreement does not contain any definition of "agricultural laborer," "agriculture" or "agricultural labor." This matter has previously been discussed in connection with the definition of "employee" in the House bill, the Senate amendment, and the conference agreement.

(12) The conference agreement contains in the definition section a rule to be applied for the purpose of determining when a person is acting as an "agent" of another person so as to make such other person responsible for his acts. A provision having the same effect was contained in section 12 of the House bill, under which the Norris-LaGuardia Act was made inapplicable in connection with certain activities dealt with in that section. One of the provisions of that Act which was thus made inapplicable was section 6 thereof which provides that no employer or labor organization participating or interested in a labor dispute shall be held responsible for the "unlawful" acts of its agents except upon clear proof of actual authorization of the particular acts performed, or subsequent ratification thereof after knowledge. Hence, under the conference agreement, as under the House bill, both employers and labor organizations will be responsible for the acts of their agents in accordance with the ordinary common law rules of agency (and only ordinary evidence will be required to establish the agent's authority).

ADMINISTRATION

The House bill (sections 3, 4, and 102) abolished the existing National Labor Relations Board, created a new board of three members, not more than two of whom were to be members of the same political party, and limited the new board to the performance of the quasi-judicial functions under the Act. The investigating and prosecuting functions under the Act were to be performed by an Administrator, a new independent office which was created by section 4 of the House bill. The Senate amendment (section 3 of the amended Labor Act) retained the existing board but increased its membership to seven and provided that the Board could assign its duties to groups of not less than three members each. The conference agreement (section 3 (a)) retains the existing Board but increases its membership to five. Of the two additional members, who are to be appointed by the President by and with the advice and consent of the Senate, one is to be appointed for a term of two years and one for a term of five years. The conference agreement does not make provision for an independent agency to exercise the investigating and prosecuting functions under the Act, but does provide that there shall be a General Counsel of the Board, who is to be appointed by the President by and with the advice and consent of the Senate, for a term of four years. The General Counsel is to have general supervision and direction of all attorneys employed by the Board (excluding the trial examiners and the legal assistants to the individual members of the Board), and of all the officers and employees in the Board's regional offices, and is to have the final authority to act in the name of, but independently of any direction, control, or review by, the Board in respect of the investigation of charges and the issuance of complaints of unfair labor practices, and in respect of the prosecution of such complaints before the Board. He is to have, in addition, such other duties as the Board may prescribe or as may be provided by law. By this provision responsibility for what takes place in the Board's regional offices is centralized in one individual who is ultimately responsible to the President and Congress.

The House bill, in the section providing for the Administrator, provided that the regional directors and the chief regional attorneys were to be appointed by the President with the advice and consent of the Senate. It was believed that better administration will result in having responsibility lodged in one person rather than having it diffused through numerous regional directors and regional attorneys, and the conference agreement omits this provision.

Section 4 of the conference agreement provides that each member of the Board and the General Counsel of the Board shall receive a salary at the rate of $12,000 per annum. This section also provides that the Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions, with the exception that any attorney employed for assignment as a legal assistant to any Board member may, for such member, review transcripts and prepare such drafts. There was a provision in the House bill and also in the Senate amendment having the same effect. This section of the conference agreement also provides that no trial examiner's report can be reviewed either before or after its publication by any person other than a member of the Board or his legal assistant, and in addition trial examiners are prohibited from advising or consulting with the Board with respect to exceptions taken to their findings, rulings, or recommendations. A similar provision was contained in the Senate amendment, but there was no such provision in the House bill. The combination of the provisions dealing with the authority of the General Counsel, the provision abolishing the Board's review division, and the provisions relating to the trial examiners and their reports effectively limits the Board to the performance of quasi-judicial functions.

Section 5 of the conference agreement is the same as section 5 of the existing National Labor Relations Act and also section 5 of the amended Labor Act in the Senate amendment. Section 5 of the amended Labor Act in the House bill had the same effect insofar as the Board was concerned, but its provisions were also applicable to the Administrator which, as heretofore stated, is not provided for in the conference agreement.

Section 6 of the conference agreement gives the Board general power to prescribe regulations necessary to carry out the provisions of the Act. There was a similar provision in section 6 of the amended Labor Act in the House bill and also in the Senate amendment. The only change in this section from existing law is the insertion of the words "in the manner prescribed by the Administrative Procedure Act". This insertion appeared in the House bill but not in the Senate amendment. It is made to assure that the subsequent amendment of the National Labor Relations Act without changing this section will not supersede the general rules prescribed in the Administrative Procedure Act which are now applicable to the Board's powers to promulgate regulations.

RIGHTS OF EMPLOYEES

Both the House bill and the Senate amendment in amending the National Labor Relations Act preserved the right under section 7 of that Act of employees to self-organization, to form, join, or assist any labor organization, and to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. The House bill, however, made two changes in that section of the Act. First, it was stated specifically that the rights set forth were not to be considered as including the right to commit or participate in unfair labor practices, unlawful concerted activities, or violations of collective bargaining contracts. Second, it was specifically set forth that employees were also to have the right to refrain from self-organization, etc., if they chose to do so.

The first change in section 7 of the Act made by the House bill was inserted by reason of early decisions of the Board to the effect that the language of section 7 protected concerted activities regardless of their nature or objectives. An outstanding decision of this sort was the one involving a "sit down" strike wherein the Board ordered the reinstatement of employees who engaged in this unlawful activity. Later the Board ordered the reinstatement of certain employees whose concerted activities constituted mutiny. In both of the above instances, however, the decision of the Board was reversed by the Supreme Court. More recently, a decision of the Board ordering the reinstatement of individuals who had engaged in mass picketing was reversed by the Circuit Court of Appeals (*Indiana Desk Co.* v. *N. L. R. B.* (149 Fed. (2d) 987) (1944)).

Thus the courts have firmly established the rule that under the existing provisions of section 7 of the National Labor Relations Act, employees are not given any right to engage in unlawful or other improper conduct. In its most recent decisions the Board has been consistently applying the principles established by the courts. For example, in the *American News Company Case* (55 N. L. R. B. 1302) (1944) the Board held that employees had no right which was protected under the Act to strike to compel an employer to violate the wage stabilization laws. Again, in the *Scullin Steel Case* (65 N. L. R. B. 1294) and in the *Dyson Case* (decided February 7, 1947), the Board held that strikes in violation of collective bargaining contracts were not concerted activities protected by the Act, and refused to reinstate employees discharged for engaging in such activities. In the second Thompson Products case (decided February 21, 1947), the Board held that strikes to compel the employer to violate the Act and rulings of the Board thereunder were not concerted activities protected by the provisions of section 7. The reasoning of these recent decisions appears to have had the effect of overruling such decisions of the Board as that in *Matter of Berkshire Knitting Mills* (46 N. L. R. B. 955 (1943)), wherein the Board attempted to distinguish between what it considered as major crimes and minor crimes for the purpose of determining what employees were entitled to reinstatement.

By reason of the foregoing, it was believed that the specific provisions in the House bill excepting unfair labor practices, unlawful concerted activities, and violation of collective bargaining agreements from the protection of section 7 were unnecessary. Moreover, there was real concern that the inclusion of such a provision might have a limiting effect and make improper conduct not specifically mentioned subject to the protection of the Act.

In addition, other provisions of the conference agreement deal with this particular problem in general terms. For example, in the declaration of policy to the amended National Labor Relations Act adopted by the conference committee, it is stated in the new paragraph dealing with improper practices of labor organizations, their officers, and members, that the "elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed." This in and of itself demonstrates a clear intention that these undesirable concerted activities are not to have any protection under the Act, and to the extent that the Board in the past has accorded protection to such activities, the conference agreement makes such protection no longer possible. Furthermore, in section 10 (c) of the amended Act as proposed in the conference agreement, it is specifically provided that no order of the Board shall require the reinstatement of any individual or the payment to him of any back pay if such individual was suspended or discharged for cause, and this, of course, applies with equal force whether or not the acts constituting the cause for discharge were committed in connection with a concerted activity. Again, inasmuch as section 10 (b) of the Act as proposed to be amended by the conference agreement requiries that the rules of evidence applicable in the district courts shall, so far as practicable, be followed and applied by the Board, proof of acts of unlawful conduct cannot hereafter be limited to proof of confession or conviction thereof.

The second change made by the House bill in section 7 of the Act (which is carried into the conference agreement) also has an important bearing on the kinds of concerted activities which are protected by section 7. That provision, as heretofore stated, provides that employees are also to have the right to refrain from joining in concerted activities with their fellow employees if they choose to do so. Taken in conjunction with the provisions of section 8 (b) (1) of the conference agreement (which will be hereafter discussed) wherein it is made an unfair labor practice for a labor organization or its agents to restrain or coerce employees in the exercise of rights guaranteed in section 7, it is apparent that many forms and varieties of concerted activities which the Board, particularly in its early days, regarded as protected by the Act will no longer be treated as having that protection, since obviously persons who engage in or support unfair labor practices will not enjoy immunity under the Act.

UNFAIR LABOR PRACTICES

Both the House bill and the Senate amendment amended section 8 of the National Labor Relations Act by adding thereto unfair labor practices on the part of labor organizations. The practices which under existing law are treated as unfair labor practices on the part of the employer were changed in only two respects by the House bill and in only one respect by the Senate amendment, as will hereafter appear.

Neither the House bill nor the Senate amendment changed the first unfair labor practice on the part of an employer, namely, interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in section 7. What these rights are has already been discussed. The conference agreement contains the provisions of the House bill and the Senate amendment in this respect.

The House bill amended section 8 (2) of the present National Labor Relations Act—the provision making it an unfair labor practice for an employer to dominate the formation or administration of labor organizations for the purpose of according some protection to labor organizations which were not affiliated with one of the national or international labor organizations. This provision of the House bill had the effect of permitting an employer to do the same kind of things for independent unions which the Board has permitted him to do for the affiliated union. The Senate amendment did not change the words of section 8 (2) in existing law.

There were contained, however, in both the House bill and the Senate amendment—in the amendments to sections 9 and 10 of the Labor Act—provisions requiring the Board to treat independent unions in the same manner in which it treats unions which are affiliated with or constitute units of labor organizations national or international in scope. These provisions acted as a limitation on the power of the Board in holding activities to be unfair labor practices under section 8 (a) (2) of the House bill and the Senate amendment. The Board has, for example, in the case of affiliated unions permitted employers to provide bulletin boards in their plants for the union's use, to give union officials preferred treatment in laying off workers and calling them back, and to allow shop stewards without losing pay to confer not only with the employer but with the employees as well, and to transact other union business in the plant. The Board has not permitted the employer to do the same things for non-affiliated unions, and it was the purpose of the House provision to provide for equality of treatment in this respect.

Since this matter is adequately dealt with in the provisions in sections 9 and 10, the conference agreement omits the provisions of the House bill which amended section 8 (2) of the existing law, and adopts the provisions of the Senate amendment.

Both the House bill and the Senate amendment, in rewriting the present provisions of section 8 (3) of the Act, abolished the closed shop. The union shop and maintenance of membership, however, were permitted both under the House bill (section 8 (d) (4)) and under the Senate amendment (proviso to section 8 (a) (3)). The House bill and the Senate amendment differed in the required procedures for securing the union shop or maintenance of membership. These differences will be hereafter discussed. The conference agreement adopts the language of the Senate amendment in section 8 (a) (3) of the Labor Act with one clarifying omission. Under the provisions of the conference agreement an employer is permitted to enter into an agreement with a labor organization (not established, maintained, or assisted by any action defined as an unfair labor practice) whereby the employer agrees that he will employ only employees who on and after thirty days from the date of their employment (or from the date of the agreement, if that is later) are members of the labor organization concerned. This permission, however, is granted only if, upon the most recent election held under later provisions of the conference agreement (section 9 (e)) a majority of the employees in the bargaining unit in question eligible to vote have authorized the union to make such an agreement.

As a protection to the individual worker against arbitrary action by the union, it is further provided that an employer is not justified in discriminating against an employee with respect to whom the employer has reason to believe membership in the union was not available on the same terms

as those generally applicable to other mmm bers, or with respect to whom the employer has reason to believe membership was denied or terminated for reasons other than failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership. In determining whether membership was available on the same terms as those generally applicable to other members, it must be borne in mind that in some unions the dues and initiation fees of persons who became members many years ago may have been more or less than those currently in effect, or the terms or conditions of membership may have been different. The conference agreement hence does not contemplate availability of membership on the same terms as those applicable to all of the members, nor does it disturb arrangements in the nature of those approved by the Board in *Larus & Brother Co.* (62 N. L. R. B. 1075 (1945)).

Neither the House bill nor the Senate amendment changed the wording of the provisions of section 8 (4) of the existing Act, and the conference agreement in section 8 (a) (4) follows the provisions of existing law. The same is true in the case of section 8 (5) of existing law which makes it an unfair labor practice for an employer to refuse to bargain collectively with the representative of his employees, subject to the provisions of section 9 (a).

The Senate amendment contained a provision which does not appear in section 8 of existing law. This provision would have made it an unfair labor practice to violate the terms of a collective bargaining agreement or an agreement to submit a labor dispute to arbitration. The conference agreement omits this provision of the Senate amendment. Once parties have made a collective bargaining contract the enforcement of that contract should be left to the usual processes of the law and not to the National Labor Relations Board.

UNFAIR LABOR PRACTICES OF LABOR ORGANIZATIONS

Both the House bill and the Senate amendment defined, in a new section 8 (b) of the National Labor Relations Act, unfair labor practices on the part of labor organizations and their agents. The House bill also made the unfair labor practices described unfair labor practices on the part of employees.

Under the House bill the following unfair labor practices were set forth:

(1) Intimidating practices to interfere with the exercise by employees of rights guaranteed in section 7 or to compel or seek to compel any individual to be a member of a labor organization.

(2) To refuse to bargain collectively with the employer.

(3) To call or participate in any strike or other concerted interference with an employer's operations, an object of which was to compel the employer to accede to the inclusion in a collective bargaining agreement of matters which under the House bill were not treated as within the proper scope of compulsory bargaining.

Under the new section 8 (b) of the Senate amendment, the following unfair labor practices on the part of labor organizations and their agents were defined:

(1) To restrain or coerce employees in the exercise of rights guaranteed in section 7, or to restrain or coerce an employer in the selection of his representatives for collective bargaining or the adjustment of grievances. This provision of the Senate amendment in its general terms covered all of the activities which were prescribed in section 12 (a) (1) of the House bill as unlawful concerted activities and some of the activities which were proscribed in the other paragraphs of section 12 (a). While these restraining and coercive activities did not have the same treatment under the Senate amendment as under the corresponding provisions of the House bill, participation in them, as explained in the discussion of section 7, is not a protected activity under the Act. Under the House bill, these activities could be enjoined upon suit by a private employer, specific provision was made for suits for damages on the part of any person injured thereby, and employees participating therein were subject to deprivation of their rights under the Act. The conference agreement, while adopting section 8 (b) (1) of the Senate amendment, does not by specific terms contain any of these sanctions, but an employee who is discharged for participating in them will not, as explained in the discussion of section 7, be entitled to reinstatement. Furthermore, since in section 302 (b), unions are made suable, unions that engage in these practices to the injury of another may subject themselves to liability under ordinary principles of law. Then too, under the provisions of section 10 (k) of the conference agreement the Board can seek a temporary injunction enjoining these practices pending its decision on the merits.

In applying section 8 (1) of the existing law, the Board has not held to be unfair labor practices acts which constituted "interference" that did not also constitute restraint or coercion. Section 8 (1) of the present law is written in broad terms, and only by long continued administrative practice has its scope been adequately and properly defined. Concern has heretofore been expressed as to whether such practice would carry over into a corresponding provision of the new section 8 (b) (1), and presumably because of this concern the words "interference with" were omitted from the proposed new section. Omission of these words from the proposed new section was not, however, intended to broaden the scope of section 8 (a) (1) as heretofore defined by the long continued practice of the Board.

(2) To discriminate against an employee to whom membership in a labor organization has been denied or terminated on some ground other than non-payment of dues or initiation fees. The purpose of this provision of the Senate amendment was obvious.

(3) To refuse to bargain collectively with an employer, provided the labor organization is the representative of his employees subject to section 9 (a). This provision of the Senate amendment imposed upon labor organizations the same duty to bargain which under section 8 (a) (5) of the Senate amendment was imposed upon employers. What bargaining consists of has already been discussed supra.

(4) To engage in, or induce or encourage the employees of any employer to engage in, a strike or a concerted refusal to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services in the course of their employment, if the purpose thereof was to force the doing of certain things. The proscribed purposes or objectives were described in clauses (A), (B), (C), and (D) of this provision of the Senate amendment.

Under clause (A) strikes or boycotts, or attempts to induce or encourage such action, were made unfair labor practices if the purpose was to force an employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of another, or to cease doing business with any other person. Thus it was made an unfair labor practice for a union to engage in a strike against employer A for the purpose of forcing that employer to cease doing business with employer B. Similarly it would not be lawful for a union to boycott employer A because employer A uses or otherwise deals in the goods of, or does business with, employer B.

Clause (B) of this provision of the Senate amendment covered strikes and boycotts conducted for the purpose of forcing another employer to recognize or bargain with a labor organization that has not been certified as the exclusive representative. It is to be observed that the primary strike for recognition (without a Board certification) was not prohibited. Moreover, strikes and boycotts for recognition were not prohibited if the union had been certified as the exclusive representative.

Strikes and boycotts having as their purpose forcing any employer to disregard his obligation to recognize and bargain with a certified union and in lieu thereof to bargain with or recognize another union were made unfair labor practices under clause (C).

Clause (D) covered strikes or boycotts having as their purpose forcing an employer to assign work tasks to members of one union when he has assigned them to members of another union. If the employer against whom the strike or boycott was directed was failing to conform to a determination of the Board fixing the representation of employees performing the work tasks, then the strike or boycott was not an unfair labor practice.

The matters covered by section 8 (b) (4) in the Senate amendment were dealt with in section 12 of the House bill and in the definitions of illegal boycott and jurisdictional strike.

The conference agreement adopts the provisions of the Senate amendment with clarifying changes, and with one addition to the category of unlawful objectives. Under the conference agreement a strike or boycott to force an employer or self-employed person to become a member of a labor organization will be treated in the same manner as other boycotts.

(5) To violate the terms of a collective bargaining agreement to submit a labor dispute to arbitration.

From the above description of the House bill and the Senate amendment dealing with unfair labor practices on the part of labor organizations and their agents, it is apparent the Senate amendment was broader in its scope than the corresponding provisions of the House bill. The conference agreement adopts the provisions of the Senate amendment with the following changes therein:

(1) Section 8 (b) (2) is expanded so as to prohibit all attempts by a labor organization or its agents to cause an employer to discriminate against an employee in violation of section 8 (a) (3). The latter section, as heretofore explained, prohibits an employer from discriminating against an employee by reason of his membership or non-membership in a labor organization, except to the extent that he obligates himself to do so under the terms of a permitted union shop or maintenance of membership contract. This provision contained in the conference agreement would, for example, prevent a labor organization from seeking to compel an employer to hire only union foremen or to discharge foremen who were not members of the union, and in this respect it covers matters which, among others, were dealt with under section 12 of the House bill.

(2) A provision which was contained in the Senate amendment in section 8 (b) (2), designed to prevent an employer from discriminating against an employee covered by a union shop agreement who had been expelled from the union for activities in behalf of another representative, is omitted as unnecessary since there is nothing in the conference agreement which permits an employer to discriminate against an employee who has been expelled for this reason.

(3) Section 8 (b) (4) of the conference agreement has been expanded to cover a matter which was covered by section 12 of the House bill, namely, concerted activity by a union or its agents to compel an employer or self-employed person to become a member.

(4) Two additional unfair labor practices are added which were not contained in the Senate amendment but were contained in the

House bill. The first would make it an unfair labor practice for a labor organization or its agents having in effect a permitted union shop or maintenance of membership agreement to require the payment of an initiation fee in an amount which the Board finds excessive or discriminatory under all the circumstances. A similar provision, though broader in its scope, was contained in section 8 (c) (2) of the amended Labor Act in the House bill. It is also made an unfair labor practice for a labor organization or its agents to cause or attempt to cause an employer to pay any money or thing of value, in the nature of an exaction, for services which are not performed or not to be performed. This provision derives from the provisions of the House bill relating to "featherbedding" practices.

(5) Both the House bill and the Senate amendment contained provisions designed to protect the right of both employers and labor organizations to free speech. The conference agreement adopts the provisions of the House bill in this respect with one change derived from the Senate amendment. It is provided that expressing any views, argument, or opinion or the dissemination thereof, whether in written, printed, graphic or visual form, is not to constitute or be evidence of an unfair labor practice if such expression contains no threat of force or reprisal or promise of benefit. The practice which the Board has had in the past of using speeches and publications of employers concerning labor organizations and collective bargaining arrangements as evidence, no matter how irrelevant or immaterial, that some later act of the employer had an illegal purpose gave rise to the necessity for this change in the law. The purpose is to protect the right of free speech when what the employer says or writes is not of a threatening nature or does not promise a prohibited favorable discrimination.

(6) Section 8 (d) (2) of the amended Labor Act in the House bill contains a provision which is found in section 8 (2) of the existing law and in section 8 (a) (2) of the Senate amendment and the conference agreement. This provides that an employer is not to be prohibited from permitting employees to confer with him during working hours without loss of time or pay. This contemplates payments not only to individual employees but also to employees acting in a representative capacity in conferring with the employer.

Section 8 (d) (3) of the amended Labor Act in the House bill provided that nothing in the act was to be construed as prohibiting an employer from forming or maintaining a committee of employees and discussing with it matters of mutual interest, if the employees did not have a bargaining representative. This provision is omitted from the conference agreement since the act by its own terms permits individual employees and groups of employees to meet with the employer and section 9 (a) of the conference agreement permits employers to answer their grievances.

Section 8 (c) of the House bill contained detailed provisions dealing with the relations of labor organizations with their members. One of the more important provisions of this section—that limiting the initiation fees which a labor organization may impose where a permitted union shop or maintenance of membership agreement is in effect—is included in the conference agreement (section 8 (b) (5)) and has already been discussed. The other parts of this subsection are omitted from the conference agreement as unfair labor practices, but section 9 (f) (6) of the conference agreement requires labor organizations to make periodic reports with respect to many of these matters as a condition of certification and other benefits under the Act.

Section 8 (d) of the conference agreement (stating what constitutes collective bargaining) has been discussed supra in connection with the treatment of the definition of collective bargaining which was contained in the House bill.

REPRESENTATIVES AND ELECTIONS

Except in one respect, neither the House bill nor the Senate amendment made any change in the provisions of section 9 (a) of the existing Act (excluding minor textual changes). That section of existing law provides that representatives designated or selected for the purpose of collective bargaining by a majority of the employees in a unit appropriate for that purpose are to be the exclusive representatives of all of the employees in such unit for collective bargaining. The existing law further provides that an individual employee or group of employees will have the right at any time to present grievances to their employer. But as pointed out in the committee report on the bill in the House, this provision has not been construed by the Board as authorizing the employer to settle grievances thus presented.

Both the House bill and the Senate amendment amended section 9 (a) of the existing law to specifically authorize employers to settle grievances presented by individual employees or groups of employees, so long as the settlement is not inconsistent with any collective bargaining contract in effect. The Senate amendment contained a further proviso, however, to the effect that the bargaining representative be given opportunity to be present at the adjustment of such grievances.

The conference agreement follows the provisions of the Senate amendment.

Section 9 (b) of the existing law—under which the Board is given power to decide the unit which is appropriate for the purpose of collective bargaining—was amended both by the House bill and the Senate amendment. In the Senate amendment the limitations which were described on the Board's powers in establishing such units were contained in a proviso to section 9 (b), while in the House bill the applicable limitations were contained in section 9 (f).

Under section 9 (f) of the House bill the powers of the Board were circumscribed as follows:

(1) With certain exceptions, the Board was prevented from certifying as the representative of employees of one employer a representative that had been certified as the representative of employees of a competing employer. It was this provision of the House bill which, among others, dealt with the question of industry-wide bargaining. It is omitted from the conference agreement.

(2) Under section 9 (f) (2) in the House bill provision was made, upon application of any interested person, for a separate ballot for any craft, department, trade, calling, profession, or other distinguishable group, and the Board was directed to exclude any such group from the bargaining unit proposed to be established if less than a majority of the employees in it who cast ballots voted for the representative certified by the Board for the rest of the unit. The Board has heretofore, under the so-called "Globe doctrine" (3 N. L. R. B. 294 (1937)) provided for separate ballots for crafts and it sometimes applies the same principle to groups other than crafts. It also regularly excludes from larger units groups and individuals whose circumstances differ materially from those of the more numerous members of the unit. The provisions of section 9 (f) (2) of the House bill were designed to establish this principle in the law itself and broaden its application so as to give to groups of employees having common characteristics and interests different from those of the more numerous members of a proposed unit a greater freedom of choice in selecting their representatives than has heretofore been permitted.

The conference agreement, in section 9 (c) (2), covers in specific terms the matter of crafts and professional employees. In the case of the former the conference agreement provides that the Board cannot decide that a craft unit is inappropriate for collective bargaining on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation. In the case of the latter the Board cannot include both professional employees and employees who are not professional employees in the same unit unless a majority of the professional employees vote for inclusion therein.

Neither the omission from the conference agreement of section 9 (f) (2) of the House bill, nor the particular limitations on the power of the Board under section 9 (b) of the conference agreement, are intended to indicate that only in the specified cases should the Board establish separate units or exclude employees from units for which it certifies representatives. It must be emphasized that one of the principal purposes of the National Labor Relations Act is to give employees full freedom to choose or not to choose representatives for collective bargaining. As has already been pointed out in the discussion of section 7, the conference agreement guarantees in express terms the right of employees to refrain from collective bargaining or concerted activities if they choose to do so. This additional guaranty—recognizing and protecting, as it does, the rights and interests of individuals and minorities—will, it is believed, through wise administration result in a substantially larger measure of protection of those rights when bargaining units are being established than has heretofore been the practice.

The conference agreement, in section 9 (b), contains one further provision covering a particular classification of employees who were dealt with in the House bill in the definition of supervisor. Under that definition individuals employed for police duties came within the definition of supervisor. The conference agreement represents a compromise on this matter. It provides that the Board cannot decide that any unit is appropriate for collective bargaining if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property belonging to the employer or for which he is responsible, or to protect the safety of persons on the employer's premises. It is further provided that no labor organization can be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

(3) Under section 9 (f) (3) in the House bill, it was provided that in determining whether a unit is appropriate for collective bargaining, the extent to which employees had organized should not be controlling. There was no comparable provision in the Senate amendment. The conference agreement, in section 9 (c), contains this provision of the House bill.

(4) Under the House bill, in section 9 (f) (4), it was provided that the Board was to apply the same regulations and rules of decision, in determining whether a question of representation affecting commerce exists, regardless of the identity of the person or persons filing the application or the kind of relief sought. It was further provided that employees were not to be denied the right to designate or select a representative of their own choosing by reason of an order of the Board with respect to such representative or its predecessor that would not have issued in similar circumstances with respect to a labor organization national or international in scope, or affiliated with such an organization. The Senate amendment, in section 9 (c) (2), contained a provision having the same pur-

pose. Both the House provision and the Senate provision were directed to the practice of the Board in denying employees the right to vote for independent labor organizations in respect of which orders had been issued by the Board under section 8 (1) or 8 (2) finding employer domination where under similar circumstances it did not apply the same rule to unions affiliated with one of the national labor organizations. Under the House bill and the Senate amendment, the Board was directed to apply the same rules to both. The conference agreement, in section 9 (c) (2), contains a provision having the same purpose and effect.

(5) The House bill, in section 9 (f) (5), provided a new rule for run-off elections. A run-off was not permitted unless within sixty days following the first election a representative receiving votes in the first election furnished to the Board satisfactory evidence that it represented more than 50 per centum of the employees in the bargaining unit in question. The run-off was to be between such representative and no representative. The Senate amendment, in section 9 (c) (3), directed that where a run-off election was conducted, the ballot should provide for a selection between the two choices receiving the largest and second largest number of valid votes cast in the previous election. The conference agreement adopts the provisions of the Senate amendment.

(6) Under the House bill, in section 9 (f) (6) no labor organization could be certified if one or more of its national or international officers, or one or more of the officers of the organization designated on the ballot, was or ever had been a member of the Communist Party or by reason of active and consistent promotion or support of the policies of the Communist Party could reasonably be regarded as being a member of or affiliated with such party, or believed in or was or ever had been a member of or supported any organization that believed in or taught the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The Senate amendment, in section 9 (h), contained a similar provision, differing from the House bill only in not imposing the requirement that an officer "never has been" one of the described individuals. The conference agreement, in section 9 (h), contains a provision directed to this problem covered by both the House bill and the Senate amendment, and provides that no investigation shall be made by the Board of any question affecting commerce concerning the representation of employees raised by a labor organization under section 9 (c), no union shop or maintenance of membership agreement petition can be entertained under section 9 (e) (1) (hereafter discussed), and no complaint can be issued pursuant to a charge made by a labor organization under section 10 (b), unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of the labor organization in question and the officers of any national or international labor organization of which it is an affiliated or constituent unit, that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or support any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code (prescribing penalties for false statements made to induce official action) are to be applicable in respect to such affidavits, and if an officer of a labor organization files a false affidavit with the Board, he will be subject to the penalties prescribed in section 35 A of the Criminal Code.

The "ever has been" test that was included in the House bill is omitted from the conference agreement as unnecessary, since the Supreme Court has held that if an individual has been proved to be a member of the Communist Party at some time in the past, the presumption is that he is still a member in the absence of proof to the contrary.

(7) Under the House bill, in section 9 (f) (7), it was provided that no election could be directed in any bargaining unit or any subdivision thereof within which, in the preceding 12-month period, a valid election had been held, except upon a petition by employees requesting a "de-certification" of a representative. The Senate amendment, in section 9 (c) (3), contained a similar provision without the exception. The conference agreement adopts the provisions of the Senate amendment. The Senate amendment also contained a provision that employees on strike who were not entitled to reinstatement should not be permitted to vote unless the strike involved an unfair labor practice on the part of the employer. This provision is also included in section 9 (c) of the conference agreement with the "unless" clause omitted. The inclusion of such clause would have had the effect of precluding the Board from changing its present practice with respect to the treatment of "unfair labor practice" strikers as distinguished from that accorded to "economic" strikers.

(8) Under the House bill, in section 9 (f) (8), it was provided that if a new representative were chosen while a collective bargaining agreement was in effect with another representative, certification of the new representative should not become effective unless such new representative become a party to such contract and agreed to be bound by its terms for the remainder of the contract period. Since the inclusion of such a provision might give rise to an inference that the practice of the Board with respect to conducting representation elections while collective bargaining contracts are in effect should not be continued, it is omitted from the conference agreement.

Both the House bill and the Senate amendment in section 9 (c) of the amended Labor Act provided that petitions under section 9 could be filed by employees or labor organizations wishing an election to designate a representative, by employees or labor organizations wishing to provide for the "de-certification" of an existing representative, and by an employer to whom a representative has presented a claim requesting recognition as the representative for collective bargaining. Investigations of such petitions under the House bill were conducted by the Administrator provided in the House bill. Under the Senate amendment investigations were conducted by the Board. Both under the House bill and the Senate amendment if there was reasonable cause to believe that a question of representation affecting commerce existed a hearing was to be held. Under the Senate amendment it was provided that such hearing could be conducted by an officer or employee in the regional office who, when he reported to the Board with respect thereto, was prohibited from making any recommendations. Both the House bill and the Senate amendment provided that if the Board found upon the hearing that a question of representation existed a secret ballot should be held and the results thereof certified.

The conference agreement, in section 9 (c), follows the provisions of the Senate amendment, most of which, as indicated, were also contained in the House bill. The remaining portions of section 9 (c) of the conference agreement have already been discussed in connection with the treatment of the provisions which were contained in section 9 (f) of the House bill.

Section 9 (d) in the conference agreement, except for clerical changes, is the same as section 9 (e) in the House bill, section 9 (d) in the Senate amendment, and section 9 (d) of existing law.

Section 9 (g) in the House bill provided for the so-called union-shop election. This provision, together with the provisions of section 8 (d) (4) in the House bill, provided a somewhat different procedure for authorization of union shop and maintenance of membership contracts than did the Senate amendment. Under the House bill the employer had to agree to a union shop or maintenance of membership provision in the contract before an election with respect thereto could be held. An election under section 9 (g) was for the purpose of authorizing such provision to be carried into effect. The petition for the election was required to be filed under oath and had to state that the agreement of the employer was not secured, either directly or indirectly, by means of a strike or a threat thereof. The provisions of the agreement providing for a union shop could be carried out only if upon a secret ballot taken a majority of all of the employees in the bargaining unit in question voted in favor thereof, and the election was effective only for the period of the contract in which the union shop agreement was included, or for 2 years if the contract was for a longer period. Under the Senate amendment (section 9 (e)) the union shop election was to be held for the purpose of authorizing the labor organization to make a union shop or maintenance of membership agreement with the employer and did not have the effect of preventing strikes to secure such an agreement. Like the House bill, the agreement was exempted from the general prohibitions of section 8 (a) (3) (prohibiting discrimination by reason of membership or nonmembership in labor organizations) only if a majority of the employees eligible to vote had authorized the labor organization in question to make such an agreement. Under the Senate amendment, once this authorization had been given, it continued in effect until, upon a secret ballot conducted as a result of the filing of a deauthorization petition, a majority of the employees eligible to vote had not voted in favor of the authorization. As in the case of the representation elections, the Senate amendment in section 9 (e) provided that no election in respect of the union shop could be conducted in any bargaining unit or any subdivision thereof within which, in the preceding 12-month period, a valid election had been held.

The conference agreement (section 9 (e)) follows the pattern of the Senate amendment with two clarifying changes. The conference agreement requires that the petition for the election (which includes a deauthorization petition) must be filed by or on behalf of not less than 30 percent of the employees in the bargaining unit. The conference agreement further provides that the Board can order an election under these provisions only if no question of representation exists. The particular problem dealt with in this latter clarification was provided for in the House bill by the requirement that only certified bargaining agents could make union-shop agreements and petition for elections to authorize their execution.

Section 9 (f) of the Senate amendment required labor organizations to file certain information and financial reports with the Secretary of Labor in order to be eligible for certification or have charges processed in their behalf. It was further provided that copies of the financial report be furnished to all members of the labor organization. Provision was made that such information be kept current by annual reports.

The House bill (section 303) also contained a provision requiring reports by labor organizations, but did not make the filing of such reports a condition of certification or other benefits.

The conference agreement (section 9 (f) and (g)) adopts the provisions of the Senate amendment with three changes therein.

First, the filing of the information and reports is made a condition of eligibility for requesting a union shop election, in addition to eligibility for filing petitions for representation and eligibility for making charges. Second, it is provided that not only the particular labor organization invoking the processes of the Act, but also any national or international labor organization of which it is an affiliate or constituent unit, must file the required information and reports. Third, there are added to the matters with respect to which information must be filed, detailed statements of, or reference to the provisions of the organization's constitution and by-laws showing the procedure followed with respect to, most of the matters which were covered in section 8 (c) in the House bill (the section dealing with the relations between labor organizations and their members).

PREVENTION OF UNFAIR LABOR PRACTICES

Both the House bill and the Senate amendment in section 10 provided, as does section 10 of the present Act, for the prevention of unfair labor practices. The House bill, by reason in part of division of functions between the Board and the Administrator provided for therein, completely recast the procedure in section 10. It also made a number of other important changes, as did the Senate amendment. The treatment under the conference agreement of the provisions in the House bill relating to the Administrator have already been discussed. The other matters dealt with in section 10 of the House bill and the Senate amendment are treated as follows:

(1) The House bill omitted from section 10 (a) of the existing law the language providing that the Board's power to deal with unfair labor practices should not be affected by other means of adjustment or prevention, but it retained the language of the present Act which makes the Board's jurisdiction exclusive. The Senate amendment, because of its provisions authorizing temporary injunctions enjoining alleged unfair labor practices and because of its provisions making unions suable, omitted the language giving the Board exclusive jurisdiction of unfair labor practices, but retained that which provides that the Board's power shall not be affected by other means of adjustment or prevention. The conference agreement adopts the provisions of the Senate amendment. By retaining the language which provides the Board's powers under section 10 shall not be affected by other means of adjustment, the conference agreement makes clear that, when two remedies exist, one before the Board and one before the courts, the remedy before the Board shall be in addition to, and not in lieu of, other remedies.

(2) The Senate amendment contained a proviso at the end of section 10 (a) authorizing the Board to cede jurisdiction over any cases in any industry to State and Territorial agencies, subject to two conditions: (a) that it can cede jurisdiction in cases arising in mining, manufacturing, communications and transportation only when the employer's operations are predominantly local in character, and (b) that it may cede jurisdiction only if the applicable provisions of the State or Territorial statute and the rules of decision thereunder are consistent with the corresponding provisions of the National Act, as intepreted and applied by the Board and by the courts. The House bill contained no provision corresponding with the proviso of section 10 (a) of the Senate amendment. The conference agreement adopts this proviso.

(3) Section 10 (b) of the amended Act under the House bill contemplated that, in unfair practice cases, the Administrator would investigate charges, issue complaints and prosecute cases. The Senate amendment did not contain comparable provisions. As previously noted, the conference agreement contemplates that these duties will be performed under the exclusive and independent direction of the General Counsel of the Board, an official appointed by the President by and with the advice and consent of the Senate.

(4) The House bill provided that a person complained of in an unfair labor practice case would have twenty days to answer the complaint and required the Board to give not less than fifteen days' notice of hearings. The Senate amendment made no change in existing law in these respects. The conference agreement contains the provisions of the Senate amendment and of existing law in these respects.

(5) The House bill provided, in section 10 (b), that no complaint should issue stating a charge of an unfair labor practice that occurred more than six months before the charge was filed, or based on a charge that was filed more than six months before the complaint issued. The Senate amendment also provided that no complaint should issue based upon any unfair labor practice occurring more than six months before the filing of the charge and the service of a copy of the charge upon the person against whom the charge was made, except in cases of veterans, who received special treatment.

The provision of the House bill that required that the complaint issue within six months after the filing of the charge was designed to forestall the accumulation of back pay claims by reason of delay in prosecuting cases. Heretofore this delay has been confined chiefly to one regional office of the Board, and the Board, itself, has had the practice in the past of mitigating such claims when it was responsible for delay. Since it is anticipated that the increased membership of the Board and other changes in the administrative provisions of the Act will expedite the Board's business, the conference agreement omits the provision of the House bill respecting the time within which a complaint must issue after a charge is filed, and retains the language of the Senate amendment that requires that charges be filed, and notice thereof be given, within six months after the acts complained of have taken place.

(6) The House bill provided, in section 10 (b), that proceedings before the Board should be conducted, so far as practicable, in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure. The Senate amendment retained the language of the present Act, which provides that the rules of evidence prevailing in the courts shall not be controlling. The reason for this provision in the House bill was explained in full in the Committee Report on the bill. If the Board is required, so far as practicable, to act only on legal evidence, the substitution, for example, of assumed "expertness" for evidence will no longer be possible. The conference agreement in section 10 (c) contains this provision of the House bill.

(7) In section 10 (c), the House bill provided that the Board should base its decisions upon the "weight of the evidence." The Senate amendment retained the present language of the Act, permitting the Board to rest its orders upon "all the testimony taken". The conference agreement provides that the Board shall act only on the "preponderance" of the testimony—that is to say, on the weight of the credible evidence. Making the "preponderance" test a statutory requirement will, it is believed, have important effects. For example, evidence could not be considered as meeting the "preponderance" test merely by the drawing of "expert" inferences therefrom, where it would not meet that test otherwise. Again, the Board's decisions should show on their face that the statutory requirement has been met—they should indicate an actual weighing of the evidence, setting forth the reasons for believing this evidence and disbelieving that, for according greater weight to this testimony than to that, for drawing this inference rather than that. Immeasurably increased respect for decisions of the Board should result from this provision.

(8) In section 10 (c), both the House bill and the Senate amendment incorporated language with respect to the Board's remedial orders in cases of unfair labor practices by labor organizations. The House bill provided that, in addition to ordering respondents to cease and desist from unfair practices, the Board could order employers to take affirmative action to effectuate the purposes of the Act, including reinstatement with back pay for employees (a provision appearing in the present Act), and could also order representatives and employees to take affirmative action, and deprive them of rights under the Act for not more than one year. The Senate amendment did not contain the provision specifically authorizing the Board to deprive representatives and employees who engage in unfair practices of rights under the Act, but did contain a provision authorizing the Board to require a labor organization to pay back pay to employees when the labor organization was responsible for the discrimination suffered by the employees.

The House bill, by implication, limited the Board in its choice of remedial orders in cases of unfair labor practices by representatives not involving back pay, by specifying but one type of order that the Board might issue. The conference agreement therefore omits this provision of the House bill. As previously stated, employees are subject to the prohibitions of section 8 (b) only when they acts as agents of representatives, but in these and other cases, when they are disciplined or discharged for engaging in or supporting unfair practices, they do not have immunity under section 7. The language in the Senate amendment without which the Board could not require unions to pay back pay when they induce an employer to discriminate against an employee is included in the conference agreement.

(9) To prevent discrimination by the Board to the disadvantage of independent unions and representation plans, the House bill and the Senate amendment both included in section 10 (c) of the amended Act, in substantially similar terms, a provision to the effect that no order of the Board should require or forbid any action by an employer with respect to any labor organization that in similar circumstances would not be required or forbidden with respect to a labor organization national or international in scope, or affiliated with such an organization. In the past, the Board has made findings of violation of section 8 (2) in cases involving independent unions, committees and representation plans upon much weaker evidence than it has required in cases involving affiliated unions, and it has ordered employers to take far more drastic action with respect to independent organizations than with respect to affiliated organizations. The conference agreement adopts the language of the Senate amendment, which requires equal treatment for both affiliated and non-affiliated organizations. The language of the Senate amendment and the conference agreement in this respect is directed at orders under section 8 (a) (1) and 8 (a) (2). This specification is not intended to imply that independent and affiliated unions can or should be treated differently under other provisions. Rather, the language covers specific abuse which has come to the attention of Congress. It does not invite others.

(10) The House bill also included, in section 10 (c) of the amended Act, a provision forbidding the Board to order reinstatement or back pay for any employee who had been suspended or discharged, unless the weight of the evidence showed that the employee was not suspended or discharged for cause. The Senate amendment contained no cor-

responding provision. The conference agreement omits the "weight of evidence" language, since the Board, under the general provisions of section 10, must act on a preponderance of evidence, and simply provides that no order of the Board shall require reinstatement or back pay for any individual who was suspended or discharged for cause. Thus employees who are discharged or suspended for interfering with other employees at work, whether or not in order to transact union business, or for engaging in activities, whether or not union activities, contrary to shop rules, or for Communist activities, or for other cause (See *Wyman-Gordon* v. *N. L. R. B.* (153 Fed. (2d) 480)) will not be entitled to reinstatement. The effect of this provision is also discussed in connection with the discussion of section 7.

(11) The House bill provided that in proceedings under section 10, a proposed report and recommended order would be filed by the person conducting the hearing on behalf of the Board, and that the recommended order would become final if not excepted to within 20 days. The Senate amendment did not contain any comparable provision. The conference agreement adopts the language in section 10 (c) in the House bill in this respect.

(12) Section 10 (d) in the House bill and in the Senate amendment contained the language of the present section 10 (d) of the Act, concerning modification and setting aside by the Board of its findings and orders. The conference agreement includes this language without change.

(13) Section 10 (e) in the House bill provided that the Administrator would apply to the courts for orders enforcing the Board's orders, and then only in cases where the person against whom the order was directed failed to comply with it or thereafter violated it. The Senate amendment followed the present language of the Act, which permits the Board to petition for enforcement, but does not require it to do so. The conference agreement adopts the language of the Senate amendment.

(14) Under the language of section 10 (e) of the present Act, findings of the Board, upon court review of Board orders, are conclusive "if supported by evidence". By reason of this language, the courts have, as one has put it, in effect "abdicated" to the Board (*N. L. R. B.* v. *Standard Oil Company*, 138 Fed. (2d) 885 (1943)). See also: *Wilson & Co.* v. *N. L. R. B.* (126 Fed. (2d) 114 (1942)); *N. L. R. B.* v. *Columbia Products Corp.* (141 Fed. (2d) 687 (1944)); *N. L. R. B.* v. *Union Pacific Stages, Inc.* (99 Fed. (2d) 153). In many instances deference on the part of the courts to specialized knowledge that is supposed to inhere in administrative agencies has led the courts to acquiesce in decisions of the Board, even when the findings concerned mixed issues of law and of fact (*N. L. R. B.* v. *Hearst Publications, Inc.* (322 U. S. 111; *N. L. R. B.* v. *Packard Motor Co.*, decided March 10, 1947)), or when they rested only on inferences that were not, in turn, supported by facts in the record (*Republic Aviation* v. *N. L. R. B.* (324 U. S. 793); *La Tourneau Company* v. *N. L. R. B.* (324 U. S. 793)).

As previously stated in the discussion of amendments to section 9 (b) and section 9 (c), by reason of the new language concerning the rules of evidence and the preponderance of the evidence, presumed expertness on the part of the Board in its field can no longer be a factor in the Board's decisions. While the Administrative Procedure Act is generally regarded as having intended to require the courts to examine decisions of administrative agencies far more critically than has been their practice in the past, by reason of a conflict of opinion as to whether it actually does so, a conflict that the courts have not resolved, there was included, both in the House bill and the Senate amendment, language making it clear that the Act gives to the courts a real power of review.

The House bill, in section 10 (e), provided that the Board's findings of fact should be conclusive unless it appeared to the reviewing court (1) that the findings were against the manifest weight of the evidence, or (2) that they were not supported by substantial evidence.

The Senate amendment provided that the Board's findings with respect to questions of fact should be conclusive if supported by substantial evidence on the record considered as a whole. The provisions of section 10 (b) of the conference agreement insure the Board's receiving only legal evidence, and section 10 (c) insures its deciding in accordance with the preponderance of the evidence. These two statutory requirements in and of themselves give rise to questions of law which the courts will hereafter be called upon to determine—whether the requirements have been met. This, in conjunction with the language of the Senate amendment with respect to the Board's findings of fact—language which the conference agreement adopts—will very materially broaden the scope of the courts' reviewing power. This is not to say that the courts will be required to decide any case de novo, themselves weighing the evidence, but they will be under a duty to see that the Board observes the provisions of the earlier sections, that it does not infer facts that are not supported by evidence or that are not consistent with evidence in the record, and that it does not concentrate on one element of proof to the exclusion of others without adequate explanation of its reasons for disregarding or discrediting the evidence that is in conflict with its findings. The language also precludes the substitution of expertness for evidence in making decisions. It is believed that the provisions of the conference agreement relating to the court's reviewing power will be adequate to preclude such decisions as those in *N. L. R. B.* v. *Nevada Consol. Copper Corp.* (316 U. S. 105), and in the *Wilson, Columbia Products, Union Pacific States, Hearst, Republic Aviation*, and *Le Tourneau*, etc., cases, supra, without unduly burdening the courts. The conference agreement therefore carries the language of the Senate amendment into section 10 (e) of the amended Act.

(15) The House bill in section 10 (f) of the amended Labor Act made it possible for employees and labor organizations, as well as employers, to obtain court review of certifications by the Board of exclusive bargaining representatives, and enabled employers to obtain such review without going through an unfair practice case under section 8 (5). The Senate amendment did not contain any corresponding provision. The conference agreement omits this provision of the House bill.

(16) The conference agreement makes the same change in section 10 (f) concerning the conclusiveness of the Board's findings as is made in section 10 (e).

(17) Sections 10 (g), (h), and (i) of the present Act, concerning the effect upon the Board's orders of enforcement and review proceedings, making inapplicable the provisions of the Norris-LaGuardia Act in proceedings before the courts, were unchanged either by the House bill or by the Senate amendment, and are carried into the conference agreement.

(18) The Senate amendment, in a new section 10 (j), gave to the Board general power, upon issuing a complaint alleging an unfair labor practice, to petition the appropriate district court for temporary relief or restraining order, and gave the courts jurisdiction to grant such relief or restraining order. The House bill contained no comparable provision. The conference agreement adopts this provision of the Senate amendment.

(19) The Senate amendment also contained a new section 10 (k), which had no counterpart in the House bill. This section would empower and direct the Board to hear and determine disputes between unions giving rise to unfair labor practices under section 8 (b) (4) (D) (jurisdictional strikes). The conference agreement contains this provision of the Senate amendment, amended to omit the authority to appoint an arbitrator. If the employer's employees select as their bargaining agent the organization that the Board determines has jurisdiction, and if the Board certifies that union, the employer will, of course, be under the statutory duty to bargain with it.

(20) Section 10 (l) of the Senate amendment directed the Board to investigate forthwith any charge of unfair labor practice within the meaning of paragraph (4) (A), (B), or (C) of section 8 (b) of the conference agreement, which deals with certain boycotts and with certain strikes to force recognition of uncertified labor organizations and which has been discussed in connection with that section of the conference agreement. It directed the representative of the Board who makes the investigation, if he found that a complaint should issue, to petition the appropriate district court of the United States for injunctive relief pending the final adjudication of the Board with respect to such matter, and gave the courts jurisdiction to enjoin the practices complained of. The Senate amendment provided that a similar procedure, when appropriate, should apply to charges under section 8 (b) (4) (D) of the conference agreement. As stated above, the House bill, in section 12, provided for injunctions at the request of private persons, rather than by the Board, in cases like these. The conference agreement adopts the procedure of the Senate amendment. The power of the Board under this provision will not affect the availability to private persons of any other remedies they might have in respect of such activities.

INVESTIGATORY POWERS

Section 11 of the existing National Labor Relations Act contains provisions authorizing the Board to conduct hearings and investigations and to subpoena witnesses. Also, it provides for enforcement of subpoenas and provides for the manner in which complaints, orders and other processes of the Board shall be served.

The Senate amendment, in section 11, made no change in the provisions of existing law. The House bill, in section 11, made several changes in addition to those made necessary by the division of functions under the House bill between the Board on the one hand and the Administrator on the other. First, the subpoena power in connection with investigations was limited to investigations under section 9. Second, it was required that upon application of any party, subpoenas be issued to him as a matter of course, and a procedure was established whereby a person subpoenaed could move to quash the subpoena if the evidence covered thereby did not relate to any matter under investigation or in question or if it did not describe with sufficient particularity the evidence whose production was required. Third, a provision in existing law under which the several Departments and agencies of the Government are required to furnish to the Board, when directed by the President, records, papers, and information in their possession relating to any matter before the Board was omitted.

The conference agreement follows the provisions of existing law and the Senate amendment with the addition thereto of provisions requiring the issuance of subpoenas as a matter of course on the request of any party, as was provided in the House bill.

The Senate amendment did not make any change in section 12 of the existing National Labor Relations Act making it unlawful to impede any member of the Board or any of

its agents in the performance of their duties under the Act. This provision of existing law was omitted from the House bill. The conference agreement contains this provision of existing law.

UNLAWFUL CONCERTED ACTIVITIES

The House bill, in a new section 12 of the National Labor Relations Act, set forth certain activities which were treated as unlawful. Persons engaging in them were made subject to civil suit for damages on the part of persons injured thereby. It was provided that the Norris-LaGuardia Act should be inapplicable in respect of any action or proceeding involving any such activity, and any person who was found to have engaged in any such activity was to be subject to deprivation of rights under the Act to the same extent as a person under the House bill found to have engaged in an unfair labor practice under section 8 (b) or 8 (c)

The activities which were treated as unlawful under this section were:

(1) By use of force or violence or threats thereof, preventing or attempting to prevent individuals from quitting or continuing their employment or from accepting or refusing employment; or by the use of force, violence, physical obstruction, or threats thereof, preventing or attempting to prevent any individual from entering or leaving an employer's premises; or picketing an employer's premises in numbers or in a manner otherwise than should be reasonably necessary to give notice of the existence of a labor dispute; or picketing or besetting the home of any individual in connection with a labor dispute.

(2) Picketing an employer's premises where the employer was not involved in a labor dispute with his employees.

(3) Authorizing, participating in, or assisting any sympathy strike, jurisdictional strike, monopolistic strike, sit-down strike, or illegal boycott, or any strike to compel an employer to accede to featherbedding practices, or any strike having as an objective compelling an employer to recognize for collective bargaining an uncertified representative or having as an objective the remedying of practices for which an administrative remedy was provided by the Act, or having as an objective compelling an employer to violate any law.

(4) Any conspiracy or common arrangements between competing employers to fix or agree to terms or propose terms of employment where the employees of such competing employers were not permitted under the bill to designate a common representative.

Many of the matters covered in section 12 of the House bill are also covered in the conference agreement in different form, as has been pointed out above in the discussion of section 7 and section 8 (b) (1) of the conference agreement. Under existing principles of law developed by the courts and recently applied by the Board, employees who engage in violence, mass picketing, unfair labor practices, contract violations, or other improper conduct, or who force the employer to violate the law, do not have any immunity under the Act and are subject to discharge without right of reinstatement. The right of the employer to discharge an employee for any such reason is protected in specific terms in section 10 (c). Furthermore, under section 10 (k) of the conference agreement, the Board is given authority to apply to the district courts for temporary injunctions restraining alleged unfair labor practices temporarily pending the decision of the Board on the merits.

The provisions of section 12 treating "monopolistic strikes" as an unlawful concerted activity involved the matter of industry-wide bargaining, and this subject matter has been omitted from the conference agreement.

LIMITATIONS

Section 13 of the existing National Labor Relations Act provides that nothing in the Act is to be construed so as to either interfere with or impede or diminish in any way the right to strike. Under the House bill, in section 12 (e), a provision was included to the effect that except as specifically provided in section 12 nothing in the Act should be so construed. Under the Senate amendment, in section 13, section 13 of the existing law was rewritten so as to provide that except as specifically provided for in the Act, nothing was to be construed so as either to interfere with or impede or diminish in any way the right to strike. The Senate amendment also added one other important provision to this section, providing that nothing in the Act was to affect the limitations or qualifications on the right to strike, thus recognizing that the right to strike is not an unlimited and unqualified right. The conference agreement adopts the provisions of the Senate amendment.

Section 14 of the Senate amendment contained a provision to the effect that nothing in the Act was to be construed so as to prohibit supervisors from becoming or remaining members of labor organizations, but that employers should not be compelled to consider individuals defined as supervisors as employees for the purposes of any law, either national or local, relating to collective bargaining. There was nothing in the Senate amendment which would have the effect of prohibiting supervisors from becoming members of a labor organization, and the first part of this provision was included presumably out of an abundance of caution. The House bill had a similar policy on the power of State agencies, as was explained in the House Committee report in the discussion of section 10 (a). The conference agreement adopts the provisions of the Senate amendment.

Under the House bill there was included a new section 13 of the National Labor Relations Act to assure that nothing in the Act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that Act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called "closed shop" proviso in section 8 (3) of the existing Act nor the union shop and maintenance of membership proviso in section 8 (a) (3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14 (b), contains a provision having the same effect.

Under the Senate amendment section 15 of the existing law, which relates to the relationship between the National Labor Relations Act and the reorganization provisions of the Bankruptcy Act, was rewritten to bring it up to date, the Bankruptcy Act having been amended in material respects since the original enactment of the National Labor Relations Act. This provision was not contained in the House bill. The conference agreement adopts the provisions of the Senate amendment.

Sections 14 and 15 of the House bill on the one hand and sections 16 and 17 of the Senate amendment on the other were the same as sections 16 and 17 of the existing law. These provisions are included in the conference agreement as sections 16 and 17.

EFFECTIVE DATE

Section 102 of the House bill contained provisions designed to facilitate the change-over from the old act to the amended act. This section of the House bill also abolished the existing National Labor Relations Board, but the treatment of this provision in the House bill by the conference agreement has already been discussed.

The amended act was not to take effect until 30 days after the date upon which a majority of the members of the proposed new Board qualified and took office, or 90 days after the date of the bill's enactment, whichever occurred first. After the effective date proceedings under the old act were to continue under the amended act only if they could have been maintained if initiated under the amended act, and a similar policy was described with respect to proceedings to enforce orders of the old Board.

Provision was also made for the effect of the amended act upon existing "closed shop" and other compulsory unionism agreements, and for the effect of the amended Act upon existing certifications. These matters are discussed below in connection with the discussion of sections 102 and 103 of the Senate amendment.

The Senate amendment did not contain any postponed effective date—that is to say, the amended act was to become effective upon the bill's enactment. Section 102 of the Senate amendment provided that the amended act was not to be construed as making an unfair labor practice any act performed prior to the date of the bill's enactment which did not constitute an unfair labor practice prior thereto. It further provided that the new section 8 (a) (3) (containing the union shop proviso in place of the "closed shop" proviso of existing law) should not make an unfair labor practice the performance of any obligation entered into prior to the date of the bill's enactment unless the agreement was renewed or extended subsequent thereto.

Section 103 of the Senate amendment provided that the amended act should not affect any certification of representatives or determination as to appropriate collective bargaining units made under existing law until one year after the date of certification or (if in respect of the certification a collective bargaining contract was entered into prior to the bill's enactment) until the end of the contract period or until one year after the date of enactment, whichever first occurred.

The conference agreement, in section 104, provides that the amendments made to the National Labor Relations Act shall take effect 60 days after the date of the bill's enactment, but authority is given to the President to appoint the two additional members of the Board and to appoint the General Counsel of the Board within this 60-day period.

Section 102 of the conference agreement provides that the amended act shall not be deemed to make an unfair labor practice any act which was performed prior to the date of the bill's enactment which did not constitute an unfair labor practice prior thereto. In the case of sections 8 (a) (3) and 8 (b) (2) of the amended act, it is specifically provided that the performance of any obligation under a collective bargaining agreement entered into prior to the date of the bill's enactment, or (in case of an agreement for a period of not more than one year) entered into on or after such date of enactment but prior to the effective date, shall not constitute an unfair labor practice unless the agreement was renewed or extended subsequent thereto.

Section 103 of the conference agreement, relating to the effect of the amendments upon existing certifications, is the same (with clarifying changes) as section 103 of the Senate amendment.

TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE; NATIONAL EMERGENCIES

Title II of both the House bill and the Senate amendment contained provisions cre-

ating a new independent conciliation service, and also provisions for the treatment of strikes affecting the national health or safety. Under the House bill the new service was to be known as the Office of Conciliation. Under the Senate amendment it was to be known as the Federal Mediation Service. Both bills provided for a Director to be the head of the new service, to be appointed by the President by and with the advice and consent of the Senate, and to receive compensation at the rate of $12,000 per annum. Both the House bill and the Senate amendment transferred all of the existing functions of the United States Conciliation Service in the Department of Labor to the new independent agency created.

Since the conference agreement in general follows the provisions of the Senate amendment with respect to this service, the Senate amendment in this regard will be described, with changes therefrom made by the conference agreement noted. Section 201 of the Senate amendment contained a statement of policy which also appears unchanged in the conference agreement.

Section 202 of the Senate amendment created an independent agency to be known as the Federal Mediation Service and to be operated by a single official, called the Director, to be appointed by the President with the advice and consent of the Senate. The functions of the existing Conciliation Service were transferred to the Director, the transfer to take effect upon the sixtieth day after the date of the bill's enactment. The only change made by the conference agreement in this section of the Senate amendment is in the name of the new service. Under the conference agreement the new service is to be known as the Federal Mediation and Conciliation Service.

Section 203 of the Senate amendment described the functions of the new service and emphasized the duty of the Service to interfere only where a dispute threatened to cause a substantial interruption of interstate commerce. It provided that if the parties could not be brought to direct settlement by conciliation or mediation the Service was authorized to seek to induce the parties to submit the dispute to voluntary arbitration. Provision was made for the payment by the United States of not to exceed $500 as a contribution to the cost of an arbitration proceeding. The conference agreement, in section 203, does not mention arbitration as such but provides that if the parties cannot be brought to settlement by conciliation and mediation the Service shall seek to induce them voluntarily to seek other means of settling the dispute without resort to strike, lockout, or other coercion. The failure or refusal of either party to agree to any procedure suggested by the Director is not to be deemed a violation of any duty or obligation imposed, and the conference agreement omits the provision contained in the Senate amendment relating to the contribution by the United States to defray the costs of arbitration proceedings.

One important duty of the Director which was not included in the Senate amendment is included in the conference agreement and is derived from the provisions of the House bill providing for a secret ballot by employees upon their employer's last offer of settlement before resorting to strike. Under the conference agreement it is the duty of the Director, if he is not able to bring the parties to agreement by conciliation within a reasonable time, to seek to induce them to seek other means of settling the dispute, including submission to the employees in the bargaining unit of the employer's last offer of settlement for refusal or for approval or rejection in a secret ballot. While the vote on the employer's last offer by secret ballot is not compulsory as it was in the House bill, it is expected that this procedure will be extensively used and that it will have the effect of preventing many strikes which might otherwise take place.

Section 204 of the Senate amendment stated that it should be the duty of employers and employees, and their representatives, to exert every reasonable effort to settle their differences by collective bargaining, and if this should fail, to utilize the assistance of the Mediation Service. This provision is also included in section 204 of the conference agreement but there has been omitted therefrom language which appeared in the Senate amendment which indicated that the parties were under a duty to submit grievance disputes to arbitration.

Section 205 of the Senate amendment created an advisory committee for the new Service composed of management and labor representatives. This group was called "The National Labor-Management Panel". The panel was to be composed of 12 members, all appointed by the President, and it was made their duty, at the request of the Director, to advise in the avoidance of industrial controversies in the manner in which mediation and voluntary arbitration should be administered. Section 205 of the conference agreement follows the provisions of the Senate amendment, except that specific reference to "voluntary arbitration" is omitted.

NATIONAL EMERGENCIES

Sections 203 to 206, inclusive, of the House bill gave the President, through the district courts of the United States, power to deal with strikes that resulted in or imminently threatened to result in the cessation or substantial curtailment of interstate or foreign commerce in essential public services. Provision was made for mediation of the dispute after the injunction had issued, and for a secret ballot of the employees on their employer's last offer of settlement if mediation did not result in an agreement. If the employer's last offer was rejected by the employees, provision was made for the convening by the Chief Justice of the United States Court of Appeals for the District of Columbia of a special advisory settlement board to investigate the dispute and to make recommendations for its settlement. Another secret ballot by the employees was provided on the question whether they desired to accept the recommended settlement. At the conclusion of the proceedings provided for the Attorney General was directed to move the court to discharge the injunction and the injunction was to be discharged. These provisions were not to apply to any person or dispute subject to the Railway Labor Act.

Sections 206 to 210, inclusive, of the Senate amendment contained provisions dealing with this same problem. The Senate amendment was limited in its application to threatened or actual strikes or lockouts affecting an entire industry engaged in trade, commerce, transportation, transmission, or communications among the several States, and the power to invoke these emergency provisions was lodged in the Attorney General rather than in the President. The conference agreement in general follows the provisions of the Senate amendment, with changes therein which will be hereafter noted.

Section 206 of the Senate amendment authorized the Attorney General, whenever he deemed that a threatened or actual strike or lockout affecting an entire industry would imperil the national health or safety, to appoint a board of inquiry to inquire into the issues involved in the dispute. The board of inquiry was directed to investigate the matter and make a report to the Attorney General. The report was to include a statement of facts and a statement of the respective positions of the parties, but was not to contain any recommendations. Under section 206 of the conference agreement the authority is lodged in the President rather than in the Attorney General, and the report which the board of inquiry is to make is to include each party's statement of his own position. Like the provisions of the Senate amendment, the report of the board of inquiry cannot contain any recommendations. Furthermore, under the conference agreement the authority of this section may be invoked not alone when an entire industry is involved but where a substantial part of an entire industry is involved.

Section 207 of the Senate amendment provided for the composition of the board of inquiry, their compensation, and their powers to compel testimony. This section appears unchanged as section 207 of the conference agreement.

Section 208 of the Senate amendment authorized the Attorney General upon receiving the report of the Board of inquiry to apply to the appropriate district court for an injunction enjoining the strike or lockout, and the court was authorized to issue the injunction if it found that the strike or lockout affected the entire industry and would imperil the national health or safety. The Norris-LaGuardia Act was made inapplicable. Section 208 of the conference agreement follows the provisions of the Senate amendment except that, as heretofore stated, the authority is lodged in the President rather than in the Attorney General, and the injunction can issue if the strike or lockout affects an entire industry or a substantial part thereof.

Section 209 of the Senate amendment provided that after the district court had issued an injunction, it should be the duty of the parties to make every effort to adjust and settle their differences with the assistance of the new Federal Mediation Service. Neither party was to be under any duty to accept, either in whole or in part, and proposal of settlement made by the Service. Furthermore, after an injunction had issued, the Attorney General was directed to reconvene the board of inquiry. At the end of a sixty-day period (unless the dispute had been settled in the meantime) the board of inquiry was directed to report to the President the current position of the parties and the efforts which had been made for settlement. Such report was to be made public. Within the succeeding 15 days a secret ballot was to be taken of the employees of each employer involved in the dispute on the question of whether they desired to accept the final offer of settlement made by their employer. The conference agreement, in section 209, follows the provisions of the Senate amendment, with the authority lodged in the President rather than the Attorney General, and with the requirement that the board of inquiry include in its report a statement by each party of his own position. It is provided in the conference agreement that the employees vote on the employer's offer as stated by him.

Section 210 of the Senate amendment provided that upon certification of the results of the balloting under section 209 the injunction was to be discharged, and a full and comprehensive report of the whole matter was to be made to Congress. This provision is also included in the conference agreement, with only textual changes to conform this section to the policy of lodging the authority in the President rather than the Attorney General.

Section 211 of the Senate amendment contained a provision requiring the Bureau of Labor Statistics to maintain a file containing copies of collective agreements and arbitration awards which would be made available to the public unless involving information received in confidence. There was no comparable provision in the House bill. The conference agreement contains the provisions of the Senate amendment with minor clarifying changes.

Section 212 of the Senate amendment contained a provision stating that title II was

not to be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act. As previously noted, a similar provision, more restricted in scope, was contained in section 205 of the House bill. The conference agreement adopts the provision of the Senate amendment.

TITLE III

Section 301 of the House bill contained a provision amending the Clayton Act so as to withdraw the exemption of labor organizations under the Anti-Trust laws when such organizations engaged in combinations or conspiracies in restraint of commerce where one of the purposes or a necessary effect of the combination or conspiracy was to join or combine with any person to fix prices, allocate costs, restrict production, distribution, or competition, or impose restrictions or conditions, upon the purchase, sale, or use of any product, material, machine or equipment, or to engage in any unlawful concerted activity (as defined in section 12 of the National Labor Relations Act under the House bill). Since the matters dealt with in this section have to a large measure been effectuated through the use of boycotts, and since the conference agreement contains effective provisions directly dealing with boycotts themselves, this provision is omitted from the conference agreement.

SUITS BY AND AGAINST LABOR ORGANIZATIONS

Section 302 of the House bill and section 301 of the Senate amendment contained provisions relating to suits by and against labor organizations in the courts of the United States. The conference agreement follows in general the provisions of the House bill with changes therein hereafter noted.

Section 302 (a) of the House bill provided that any action for or proceeding involving a violation of a contract between an employer and a labor organization might be brought by either party in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, if such contract affected commerce, or the court otherwise had jurisdiction. Under the Senate amendment the jurisdictional test was whether the employer was in an industry affecting commerce or whether the labor organization represented employees in such an industry. This test contained in the Senate amendment is also contained in the conference agreement, rather than the test in the House bill which required that the "contract affect commerce."

Section 302 (b) of the House bill provided that any labor organization whose activities affected commerce should be bound by the acts of its agents and might sue or be sued as an entity in the courts of the United States. Any money judgment in such a suit was to be enforceable only against the organization as an entity and against its assets and not against any individual member or his assets. The conference agreement follows these provisions of the House bill except that this subsection is made applicable to labor organizations which represent employees in an industry affecting commerce and to employers whose activities affect commerce, as later defined. It is further provided that both the employer and the labor organization are to be bound by the acts of their agents. This subsection and the succeeding subsections of section 301 of the conference agreement (as was the case in the House bill and also in the Senate amendment) are general in their application, as distinguished from subsection (a).

Section 302 (c) of the House bill contained provisions describing the value of suits to which labor organizations were parties and section 302 (d) provided for the manner of service of process upon labor organizations. These provisions of the House bill appear unchanged as section 301 (c) and (d) of the conference agreement.

Section 302 (e) of the House bill made the Norris-LaGuardia Act inapplicable in actions and proceedings involving violations of agreements between an employer and a labor organization. Only part of this provision is included in the conference agreement. Section 6 of the Norris-LaGuardia Act provides that no employer or labor organization participating or interested in a labor dispute shall be held responsible for the unlawful acts of their agents except upon clear proof of actual authorization of such acts, or ratification of such acts after actual knowledge thereof. This provision in the Norris-LaGuardia Act was made inapplicable under the House bill. Section 301 (e) of the conference agreement provides that for the purposes of section 301 in determining whether any person is acting as an agent of another so as to make such other person responsible for his actions, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

Section 302 of the Senate amendment contained a provision making it unlawful for any employer to pay any money or thing of value to any representative of his employees employed in an industry affecting commerce, or for any such representative to accept from the employer any money or other thing of value, with certain specified exceptions. The two most important exceptions are (1) those relating to payments to a representative of money deducted from the wages of employees in payment of membership dues in a labor organization if the employer has received from each employee on whose account the deductions are made a written assignment not irrevocable for a period of more than one year or beyond the termination date of the applicable collective agreement, and (2) money paid to a trust fund established by the representative for the sole and exclusive benefit of the employees of such employer and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents). Such a trust fund had to meet certain requirements. Among these requirements were that the fund be held for the purpose of paying for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance. Furthermore, the detailed basis on which the payments were to be made had to be specified in a written agreement with the employer and the employees and employers had to be equally represented in the administration of the fund. Provision was made for the breaking of deadlocks on the administration of the fund, and the agreement covering the fund had to contain provisions for annual audit, and a statement of the results of the audit were to be made available for inspection by interested persons.

Violations of this section of the Senate amendment were made punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

Saving provisions were included to protect existing contracts between employers and employees.

The conference agreement adopts the provisions of the Senate amendment with minor clarifying changes.

BOYCOTTS AND OTHER UNLAWFUL COMBINATIONS

Section 303 of the Senate amendment contained a provision the effect of which was to give persons injured by boycotts and jurisdictional disputes described in the new section 8 (b) (4) of the National Labor Relations Act a right to sue the labor organization responsible therefor in any district court of the United States (subject to the limitations and provisions of the section dealing with suits by and against labor organizations) to recover damages sustained by him together with the costs of the suit. A comparable provision was contained in the House bill in the new section 12 of the National Labor Relations Act dealing with unlawful concerted activities. The conference agreement adopts the provisions of the Senate amendment with clarifying changes.

RESTRICTIONS ON POLITICAL CONTRIBUTIONS

Section 304 of the House bill contained a provision placing on a permanent basis the provisions which were contained in the War Labor disputes Act whereby labor organizations were prohibited from making political contributions to the same extent as corporations. In addition, this section extended the prohibition, both in the case of corporations and labor organizations, to include expenditures as well as contributions. Moreover, expenditures and contributions in connection with primary elections and political conventions were made unlawful to the same extent as those made in connection with the elections themselves. There was no comparable provision in the Senate amendment. The conference agreement adopts the provisions of the House bill, with one change. Under the conference agreement expenditures and contributions in connection with primary elections, political conventions, and caucuses are made unlawful to the same extent as those made in connection with the elections themselves. As a clarifying change the definition of a labor organization has been set forth in full rather than incorporating the provision of the National Labor Relations Act.

STRIKES BY GOVERNMENT EMPLOYEES

Section 207 of the House bill made it unlawful for any employee of the United States to strike against the Government. Violations of this section were to be punishable by immediate discharge, forfeiture of all rights of reemployment, forfeiture of civil service status, and forfeiture of all benefits which the individual had acquired by virtue of his Government employment. The conference agreement, in section 305, makes it unlawful for any individual employed by the United States or any agency thereof (including wholly owned Government corporations) to participate in any strike against the Government. Violations are to be punishable by immediate discharge and forfeiture of civil service status, if any, and the individual is not to be eligible for employment by the United States for three years.

TITLE IV—CREATION OF JOINT COMMITTEE TO STUDY AND REPORT ON BASIC PROBLEMS AFFECTING FRIENDLY LABOR RELATIONS AND PRODUCTIVITY

Title IV of the Senate amendment created a joint Congressional committee consisting of seven members of the Senate Committee on Labor and Public Welfare to be appointed by the President pro tempore of the Senate, and seven members of the House of Representatives Committee on Education and Labor to be appointed by the Speaker. The committee was directed to conduct a survey of the entire field of labor-management relations with particular emphasis upon particular described subjects. The committee was to make a report not later than February 15, 1948, containing the results of the studies together with its recommendations as to necessary legislation and such other recommendations as it might deem advisable. Authority was granted to hire technical and clerical personnel and to request details of personnel from Federal and State agencies. The committee was granted subpoena power and authority to conduct hearings whether or not Congress was in session. An appropriation of $150,000 was authorized to enable the committee to perform its functions.

Title IV of the conference agreement adopts the above provisions of the Senate amendment with one change. The committee is directed to make its final report not later than January 2, 1949.

TITLE V

Section 501 of the Senate amendment contained definitions of terms used in titles II, III, and IV It should be noted that none of the terms defined, however, have any application to the amendment to section 313 of the Federal Corrupt Practices Act since section 313 of the Corrupt Practices Act is not a part of "this Act"

Section 502 of the Senate amendment contained a provision that nothing was to be construed to require an individual employee to render labor or service without his consent, or to make the quitting of his labor by an individual employee an illegal act. It was further provided that the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at their place of employment should not be deemed a strike under the Act.

Section 503 of the Senate amendment contained the usual separability provision.

Sections 501, 502, and 503 of the Senate amendment are contained in the conference agreement with the same section numbers.

FRED A. HARTLEY, Jr.,
GERALD W. LANDIS,
GRAHAM A. BARDEN,
Managers on the Part of the House.

Mr. HOFFMAN (interrupting reading of conference report). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, I have a point of order to make against the report, and I want to be recognized for that at the proper time.

The SPEAKER. The gentleman will make it after the report has been read.

The Clerk continued reading the conference report.

Mr. HARTLEY (interrupting reading of conference report). Mr. Speaker, I ask unanimous consent that further reading of the report be dispensed with and that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, I have no objection to dispensing with the reading of the report, but I do not want to consent to the reading of the statement because if I did I would waive my point of order.

The SPEAKER. The gentleman's rights will be fully protected.

Mr. MARCANTONIO. Mr. Speaker, not having had access to this report until this morning, I think the House should hear it. Therefore I am constrained to object.

The Clerk continued the reading of the conference report.

Mr. MICHENER. Mr. Chairman, I ask unanimous consent that the further reading of the report be dispensed with.

Mr. MARCANTONIO. I am constrained to object, Mr. Speaker.

The Clerk concluded the reading of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

Mr. HOFFMAN. Mr. Speaker, I make a point of order against the conference report.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, the report is not in order for the following reasons:

Only those matters which were in disagreement between the two Houses were before the conferees and the conferees have changed the text heretofore agreed to by both Houses; and

The report inserts additional matter which, even though germane, the conferees had no authority to insert.

In H. R. 3020—print of April 18, page 33—and in H. R. 3020—in the Senate of the United States, May 13 print, page 33—the language reads as follows:

SEC. 9 (f) (6). No labor organization shall be certified as the representative of the employees if one or more of its national or international officers, or one or more of the officers of the organization designated on the ballot taken under subsection (d), is or ever has been a member of the Communist Party or by reason of active and consistent promotion or support of the policies, teachings, and doctrines of the Communist Party can reasonably be regarded as being a member of or affiliated with such party, or believes in, or is or ever has been a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

In the bill as it passed the Senate, section 9 (h) of H. R. 3020, Senate print of May 13, the language, page 93, is as follows:

SEC. 9 (h). No labor organization shall be certified as the representative of the employees if one or more of its national or international officers, or one or more of the officers of the organization designated on the ballot taken under subsection (c), is a member of the Communist Party or by reason of active and consistent promotion or support of the policies and doctrines of the Communist Party can reasonably be regarded as being a member of or affiliated with such party, or believes in, or is a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

It will be noted that the only difference between the language in the House and the Senate bills is that in the Senate version there is omitted after the word "is", in line 7, and the word "is", in line 11, the words "or ever has been", which are contained in the House bill; and that, in the Senate bill, the word "teachings", which is in the House bill, has been omitted after the word "policies" at the end of line 8 of paragraph (h).

This section, which is section 9, entitled "Representatives and Elections", deals with the designation of certification of representatives for collective bargaining.

Section 9 (a) of H. R. 3020, conference committee print, May 30, beginning page 22, deals with the same general subject, "Representatives and Elections." It contains no provision whatever similar to the above-quoted provisions from the Senate and House bills dealing with the subject of certification as representatives of the employees and calls for no certificate similar to that described in the provisions of either bill, but it adds an entirely new requirement—section 9 (h), page 30, conference print—which denies an investigation of a complaint unless there is on file with the Board an affidavit stating certain facts.

The language of this section is as follows—page 30:

SEC. 9 (h). No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no cofnplaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of, or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code shall be applicable in respect to such affidavits.

The language of the Senate and the House bills dealing with the certification of a labor organization as a representative of the employees being practically identical, the conferees had no authority to impose a similar requirement as a condition precedent to an investigation by the Board.

The Senate and the House bills dealt with the certification of a union as a representative for the purpose of collective bargaining, while the conference report deals with an entirely different subject, that is, an investigation of a complaint and the authority to entertain a complaint.

The power conferred upon the Board to investigate complaints is contained in section 10 of H. R. 3020—Senate print of May 13, page 36 and subsequent pages.

The same power is conferred upon the Board by section 10 (b) of the Senate bill—page 94 of the May 13 print.

But neither section 10 of the House bill nor section 10 of the Senate bill, nor any other section of either bill, contains any limitation upon the investigatory power of the Board which requires the filing of the affidavit called for by section 9 (h) of the conference report.

The conferees have no authority to add this new additional restriction upon the powers of the Board, neither Senate nor House having imposed any such restriction upon the Board's power to investigate complaints as to unfair labor practice.

If it be argued that the provisions of the two bills with reference to the certification of a labor organization as the collective bargaining representative are not technically identical, it is still true that this second objection is good for the reason that the conferees have added new matter to the bill, which was never given consideration by either House, as a restriction upon the power of the Board to make investigations of unfair labor complaints and to issue complaints.

While it is true that—in the conference report—section 9 (h) is carried under the subtitle of "Representatives and Elections," the paragraph itself and

the language in it contain these additional requirements, and I quote beginning in line 6, page 30:

> No petition under section 9 (e) (1) (and this is a petition for a closed shop—page 26) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit—

Setting forth certain facts.

Now, subsection (b) of section 10 is under the subtitle "Prevention of Unfair Labor Practices," and the procedure found in section (b) of section 10 has to do solely with charges of unfair labor practice.

There is in neither Senate—section 10, page 94, H. R. 3020, Senate print of May 13—nor House bill—section 10, page 36, H. R. 3020, May 13 print—any language limiting the power of the Board to either entertain a charge or issue a complaint similar to the limitation contained in section 9 (h).

It necessarily follows that, if the conferees were conferring on the House and Senate bills, they exceeded their power in adding this restriction to the power of the Board when neither House considered, debated or passed upon that restriction.

If the Speaker holds that the conferees were not considering the House bill—had under consideration only the Senate bill—then under the rules of the House I concede the conferees had authority to write a new bill.

The SPEAKER. Does anyone desire to rise in opposition to the point of order?

Mr. MICHENER. Mr. Speaker, I rise in opposition to the point of order.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield to make one more statement?

Mr. MICHENER. Certainly, I yield to the gentleman from Michigan.

Mr. HOFFMAN. I want to add that this point of order is made not only in good faith but also for the purpose of bringing to the attention of the Members of the House, if the ruling is adverse, that they are not considering the Hartley bill which was adopted by the House by a vote of 308 to 107 but they are considering an entirely new bill that was written in conference by seven men—three from the House and four from the other body.

Mr. MICHENER. Mr. Speaker, in the case before us the House passed the Hartley bill, H. R. 3020. The Senate amended the Hartley bill by striking out everything after the enacting clause and inserting a new bill which was in fact a substitute for the House bill. The House bill was generally referred to as the Hartley bill and the Senate substitute as the Taft bill. The Senate sent the amended Hartley bill back to the House and requested the concurrence of the House in the Senate amendment. The House refused to agree to the Senate amendment, and the Hartley bill, as amended by the Senate, went to conference. The conferees accepted neither the House bill nor the Senate substitute, but in fact wrote a new bill, which is embodied in the conference report against which the gentleman from Michigan [Mr. HOFFMAN] has made a point of order.

My colleague from Michigan insists that the conferees have exceeded their authority; that they had no power to write a new bill, and that in addition they have inserted language not found in either the House bill or the Senate bill.

I am sure the Speaker realizes that my colleague from Michigan has not raised a new question and that there are numerous precedents and rulings made by Speakers down through the years covering this very point. The House was not advised that this point of order was to be made, and I have had no opportunity to make a careful research of the precedents. I do hold in my hand, however, Cannon's Procedure in the House of Representatives where the authorities and precedents are collated. I shall not read the long list of precedents but call the Speaker's attention to the last paragraph on page 128 of Cannon's Procedure which reads as follows:

> Where one House strikes out of the bill of the other, all after the enacting clause and inserts a new text, conferees may discard language occurring both in the bill and the substitute (VIII, 3266), and exercise a wide discretion in the incorporation of germane (VII, 3263-3265) amendments and may even report a new bill germane to the subject (V, 6421, 6423, 6424; VIII, 3248).

Mr. Speaker, it is clear that the conferees had a perfect right to write a new bill, which in reality is a substitute for the House bill and the Senate substitute. The only limitation under the above decision placed upon the conferees is that they may not insert any material in the conference report or the conference bill which is not germane to the subject. A reading of the conference report is conclusive proof that nothing has been injected in the conference report that is not germane to the subject covered in the Hartley bill and in the Taft substitute. If this conclusion is correct, and I believe it is, then the Speaker, following precedent, must overrule the point of order.

Mr. HALLECK. Mr. Speaker, in opposition to the point of order raised by the gentleman from Michigan [Mr. HOFFMAN] I would like to point out that in the Hartley bill, H. R. 3020, as adopted by the House of Representatives there was a provision seeking to deal with the matter of Communist-dominated unions. There was a similar provision in the Senate bill, that is, similar in that it went to the same objective. However, even the language in those two provisions was not identical. If my memory serves me correctly, the Senate provision did not have what has come to be known as the Bell amendment offered by the gentleman from Missouri, so there clearly was a difference in the language of those two particular sections as well, of course, as there is complete difference, as the gentleman from Michigan [Mr. MICHENER] has so ably pointed out, in that the Senate struck out all after the enacting clause and substituted entirely new language.

So, I insist, Mr. Speaker, that the language as written in the conference report deals with the identically same subject matter. It seeks to deal with the matter of Communist domination and leadership in unions. Hence it is germane. There is no new matter added. There is no question involved as to taking out any language that was identical in both bills because, as I have pointed out, and as the gentleman from Michigan has pointed out, the language is not identical.

The SPEAKER. Does the gentleman from Michigan [Mr. HOFFMAN] desire to be heard further?

Mr. HOFFMAN. Mr. Speaker, I raise no question about the germaneness of the language put in by the conferees; that was not my point. The point was that they had added additional language to the bill which was in neither bill. But if, as I stated before, the conferees were considering and the House is now considering an entirely new bill written by the conferees, then I concede my point is not well taken. My purpose was to make it clear to the House and to the country that we are not passing the House bill. We will be voting upon something entirely different.

The SPEAKER. This is not a new point of order. It has been many times presented to the House and there are many decisions relative to what the gentleman from Michigan contends. The decisions on this question date back practically more than 100 years, and precedents have been established on several similar points of order. When either branch of Congress strikes out all after the enacting clause of a bill of the other there is unusually wide latitude permitted for the conferees to work on to secure a meeting of the minds between the two bodies. There is no question in the mind of the Chair but what there is no new matter worked here. It is all contained in one or the other of the two bills which were sent to conference.

In that connection the Chair wishes to read a previous decision which was made by the distinguished gentleman from Texas [Mr. RAYBURN], former Speaker of the House, on March 27, 1945, when the mobilization of civilian manpower bill conference report was under consideration. The gentleman from Texas [Mr. RAYBURN] at that time when a similar point of order was raised stated:

> This is an old question. The Chair recalls that this question was originally passed upon by Mr. Speaker Henry Clay on the 23d of June 1812. It was passed upon, and the Chair has before him the specific question, by Mr. Speaker Colfax on March 3, 1865, in which Mr. Speaker Colfax held:
>
> "Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide range of discretion in incorporating germane matters and may even report a new bill on the subject."
>
> Mr. Speaker Clark on June 12, 1917, held:
>
> "Where one House has amended the bill of the other House by striking out all after the enacting clause and substituting a new text, the conferees have the entire subject before them and may report any germane bill."
>
> The Chair might state that that decision was followed by Mr. Speaker Gillett in the early 1920's and by Mr. Speaker Longworth between 1925 and 1931.

The Chair is convinced the conferees have followed well-established precedents and therefore overrules the point of order.

Mr. HARTLEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I do not believe that any committee of this House has had a more difficult job and a more difficult problem facing it than the House Committee on Education and Labor. It has been made difficult because I believe there have been more misstatements and more exaggerations stated in connection with the bill as it originally passed the House and as it has finally been agreed upon in conference than any bill that ever went through this body in the 19 years I have been a Member. Those of us who really want to see a bill enacted into law have been criticized very severely on both sides. We have been criticized by those who do not want any bill at all. They have called the bill drastic, and they have called it antilabor and have called its sponsors labor baiters. They have charged that it is going to wreck the labor movement. On the other hand there are those who either want no bill at all or who would really cripple the labor movement, who attack it on the other side. So I say to the Members of the House, I believe those of us who have made concessions and who have gotten a bill before you today that can be enacted into law have rendered a service to the Nation, we have rendered a service to labor, and we have rendered a service to the general public as well.

Entirely too much emphasis has been placed on the so-called concessions that the House conferees made during the conference. I will be very frank and say that I agreed to some of these concessions very reluctantly. I would much rather have seen the House bill as it originally passed enacted into law, but I want to see a bill that can be enacted into law passed by this Congress.

Just what really basic concessions did the House conferees make? We conceded on the ban in our bill in industry-wide bargaining. We conceded on the ban in our bill on welfare funds. We conceded on the question of injunctions to be obtained by private employers and on the provisions making labor organizations subject to the antitrust laws.

I call your attention to what is left in this bill, because I think you are going to find there is more in this bill than may meet the eye and may have been heretofore presented to you. This bill still exempts supervisors from the act. It prohibits the closed shop. The House conferees were able to obtain Senate agreement to our policy finding. This bill, contrary to reports that have gone out—and the Senate conferees agreed with us on this—does prohibit mass picketing and the use of violence in the conduct of a strike. On that provision we accepted the Senate language, which does restrict intimidation and coercion. This bill bans jurisdictional strikes and boycotts. It provides free speech for all. It amends the National Labor Relations Act, and those amendments to the act will become effective 60 days hence. This bill also, contrary to some reports that have gone out, does ban featherbedding. The bill also provides a section dealing with strikes which imperil the national health and safety.

May I say in passing if you want to meet John L. Lewis face to face and anyone else who is going to try and tie up our entire economy, and if you want to prevent a serious attack upon our economy, then you are going to do it by endorsing that provision in this bill.

This section provides: That the President shall, whenever he considers that the national health and safety is imperiled by a strike in a Nation-wide industry or substantial part thereof, first appoint a board of inquiry which shall obtain the facts and shall report to him within a reasonable time as specified by the President. When that board of inquiry makes its report, then the Attorney General is authorized to seek an injunction. And if the court also finds that the national health and safety is imperiled, the injunction is issued. Thereupon, there is provided a 60-day period of conciliation.

Once again the board of inquiry makes its report to the President and the public, too, will know the issues involved. Then, there will be a vote by the employees on the last offer of the employers or individual employer.

This bill also prohibits strikes against the Government.

The bill furthermore prohibits political contributions or expenditures by both employers and labor organizations.

The bill creates a Federal mediation and conciliation service separated from the Labor Department.

The bill further prohibits labor organizations from invoking the processes of the act unless all of the officers file affidavits with the board that they are not members of the Communist Party or other subversive organizations.

The present law relating to unfair labor practices by employers remains as is.

This bill also sets up a joint congressional committee for further study of the labor situation. Some of these issues still will have to be determined and perhaps given further study or more adequate study, and if we find that sort of a situation we can then come back to the Congress with additional legislation.

This bill also prohibits excessive or discriminatory initiation fees by labor organizations.

Once again the bill permits a check-off only if the individual concerned authorizes it, and that is revocable in 1 year.

This bill once again protects the validity of State laws on labor. Here is how we do it. This bill provides for an addition to the present board of two members. In other words, it creates a board of five members.

It abolishes the review section of the present National Labor Relations Board which has always caused so much trouble where the local examiners went in and helped influence the final decision of the Board.

It creates a general counsel who shall be independent of the Board and on all complaints by employees the counsel shall be the investigator and prosecutor, and the Board itself will be merely a quasi-judicial board passing on the case as presented by the counsel.

In addition to that, the bill requires that the rules of evidence shall apply as far as local examinations are concerned. The bill says that the Board itself shall move only on a preponderance of the evidence and also materially broadens the scope of the judicial review.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. HARTLEY I yield.

Mr. OWENS. I believe that one of the most important portions of this bill is the division of powers; that is, the division of the functions, the investigation, the prosecution, the complaints, and the judicial end. The gentleman mentioned that the general counsel would be absolutely independent.

In the language on page 12 of the bill, page 24, page 30, page 31, page 32, and other parts, it constantly refers to the Board.

The SPEAKER. The time of the gentleman from New Jersey [Mr. HARTLEY] has expired.

Mr. HARTLEY. Mr. Speaker, I yield myself three additional minutes.

Mr. OWENS. It is my understanding that the conference is saying to the House at this time that those different sections, where they mention the Board, mean that it is the general counsel who shall have the power to proceed with the investigation, with the complaint, and shall have complete power over the attorneys who are prosecuting; that the Board shall not control him or have the right of review in any way. Is that correct?

Mr. HARTLEY. The gentleman's opinion is absolutely correct. The reference to the Board was necessary because, in order to have this man independent of the Board, we had to use the term "Board." Otherwise we would have had to set up a completely independent agency. The gentleman's understanding is correct. He acts on behalf of the Board but completely independent of the Board.

Mr. MACKINNON. But while he is completely independent of the Board, he is authorized, insofar as his duties are concerned, to act in the name of the Board?

Mr. HARTLEY. Yes; in the name of the Board.

Mr. KERSTEN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HARTLEY. I yield.

Mr. KERSTEN of Wisconsin. I wish to compliment the gentleman on the very fine exposition he is making of the conference report. I would like to ask the gentleman about that portion which pertains to the validity of State laws. Wisconsin and other States have their own labor relations laws. We are very anxious that disputes be settled at the State level insofar as it is possible. Can the gentleman give us assurance on that proposition, so that it is a matter of record, that that is the sense of the language and of the report?

Mr. HARTLEY. That is the sense of the language of the bill and of the report. That is my interpretation of the bill, that this will not interfere with the State of Wisconsin in the administration of its own laws. In other words,

this will not interfere with the validity of the laws within that State.

Mr. KERSTEN of Wisconsin. And it will permit as many of these disputes to be settled at the State level as possible?

Mr. HARTLEY. Exactly.

Now, I would like to say in connection with the so-called concessions, that the greatest concession that was obtained by either body was obtained by the House when the House Labor Committee insisted upon an omnibus bill. I say to you in all sincerity if we had not insisted on an omnibus bill in the first instance I do not believe we would have 10 percent of this legislation ever enacted into law. If we had adopted a piecemeal approach that was proposed in the other body very little would have been enacted into law.

I also want to make it perfectly clear that there was no concession made except upon the assurance that it would provide us votes in another body to be certain that the legislation would be enacted into law.

There is an error of transposition in the statement of the House managers on the bill. On page 44 of the report containing the statement of managers, the sentence appearing at the end of paragraph (1)—the paragraph discussing section 8 (b) (2) of the conference agreement—was meant to appear at the end of paragraph (3), in the discussion of section 8 (b) (4).

This is a change in the trend of the last 25 years or so, in labor legislation, but let me remind you of this: This bill was written primarily to put labor and management on an equal basis, but above the rights of labor and above the rights of management, we were thinking in terms of what is best for the general public. We tried to protect the interests of the general public and I think we have done it. It is a moderate bill. It is fair to both labor and management, but, above all, it protects the public interest. I hope the conference report is adopted by a vote of at least 3 to 1.

The SPEAKER. The time of the gentleman from New Jersey [Mr. HARTLEY] has again expired.

Mr. HARTLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, in my 15 years of service in the House I have never been burdened with a more solemn or difficult task than is mine today.

It is difficult because I know full well that the outcome is already determined. I harbor no hope that what I or others say or do here today will alter the final vote. It is a greater tragedy because of this knowledge. Today minds are no longer receptive to argument nor open to suasion. I am fully aware of a determination on the part of a majority of this Chamber to adopt without full consideration the conference report before us. This knowledge only makes my responsibility the greater and the inevitable outcome the more distressing.

I have said this is a solemn occasion. It is solemn to me, and my heart is heavy with contemplation of what our action today will mean to America's future and to the welfare of our Nation. Indeed, I could not contemplate it without abandoning hope of our future if it were not for my limitless faith in the peoples of the United States who will not tolerate for long a legislative grant of special privilege. I cannot let the occasion pass without a word on what we are about to do.

The first indications of recession are already abroad, but a majority of this Congress appear to be blissfully unaware of the danger signals. Instead of caution and attention to a program that will prevent another economic collapse and improve the well-being of our people, we are unhappily prepared to strike another body blow at the workingman, who is the sole hope of stability and prosperity. Rather than sincere efforts to expand and increase the welfare and purchasing power of the great mass of wage earners, we are invited instead to further weaken their strength, to enervate their organizations, and to suppress their legitimate rights.

The majority party never seems to learn the lessons of history. After the First World War, industry, with the cooperation of the Congress, virtually destroyed the American labor movement. Oh, it was all accomplished in the interest of business revival and a return to normalcy. But what did that concept of normalcy mean to the man who works with his hands and by the sweat of his brow? It only meant that his rights were denied him, that his wages were decreased, that his purchasing power was absorbed by entrenched and more powerful interests, and that he was denied any assistance from his Government. To America it meant that the forces of economic collapse were rampant in the hands of a privileged few who gained special advantage from others' misfortune.

We all know what a debacle followed. Are we today willingly to undertake another step along the same road? Have we learned nothing from past experience?

In sharp contrast is our experience since 1933. Beginning in 1933, a balanced program of recovery was initiated. Neither industry nor labor received special advantage. The result was an economic team that revived America and thus the world. Labor was accorded protection against infringement of its natural rights and provided an atmosphere within which to achieve its legitimate aspirations. Wages were increased, purchasing power expanded, industrial activity increased to meet the new demands, and the resulting prosperity was the envy of the world and a challenge to history. The momentum attained inspired the cooperative efforts of World War II—and need I remind this Congress of the miracles we then accomplished?

Striking, in its similarity, is the experience of Europe and the Orient. In Russia labor was controlled. In Italy labor was suppressed. In Germany and Japan labor was placed in a strait-jacket. The inevitable result of such blind, unreasoned disregard of moral rights and government irresponsibility led directly to dictatorship. No other result was possible. A natural right cannot long be suppressed without the aid of force for it lies deep within the very soul of man and is as powerful and real as life itself. The only real, lasting guaranty of democracy is the common man. Deny him and you reject democracy.

We must choose here—today—are we willing to suppress his rights and, if so, will we be willing at a later date to tolerate the conflicts that will result or in the alternate to provide the force that will be necessary to keep him suppressed?

I say this in all sincerity. We are not here treating an ordinary matter. We are today concerned with a fundamental, natural, human right—that depends neither on the Constitution nor action of the Congress. It exists because man exists.

We have been told that we must limit this right; that we must guard against the power of labor; that labor has gone too far; that because labor has exercised its rights and organized for common purposes that its collective strength is a danger that must be suppressed. But in dealing with the natural rights of a group of persons acting in concert, you are no less dealing with the human rights of each individual. We cannot escape the responsibility—nor in good conscience can we be blind to the inevitable results.

Why am I so serious and why do I seem so melancholy today? Mr. Speaker, if this body were fully aware of the provisions of this bill and determined to proceed irrespective of its implications and inevitable catastrophic results, I would be far less concerned because at least our action would then be based on knowledge and thus the results intended. But unfortunately, that is not the fact.

The matter before us is no ordinary piece of legislation. It is one of the most adroit and plausible and seemingly rational proposals presented to the Congress in my experience. But in it danger lies, not only in its potential effects, but in its subtlety. The Congress is being misled. Too few in this Chamber have analyzed this measure, and its implications to America, to act rationally. The "cloven hoof" is concealed in a stylish shoe.

Its proponents prate against power—but here license the powerful to oppress the workingman.

They speak out against concentration of Government authority—but here create an agency with more power over labor and management than ever before in history.

They condemn bureaucracy—but here impose administrative requirements on an agency of Government that will require that its staff be expanded threefold, and at least two new agencies be created.

They argue their love of labor—but here place their stamp of approval on company unions and Government injunctions.

They abhor Government interference—but here impose the most unconscionable restriction on labor organizations and require detailed reports submitted by no comparable activity.

They are for God and country—but here tamper with natural rights which

are beyond our ken, and contribute to a reversal of economic prosperity by depriving workers of their strength.

Oh, and that is not all—but it is too late.

It will be too late today to avoid the prearranged results to follow. But the hope of America is in tomorrow, and this evil thing will, mark my words, shortly be undone.

Mr. HARTLEY. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Speaker, I am disappointed in the conference labor bill. In my opinion, the House bill embraced the provisions desired by the great bulk of the American people. But, since all legislation is a product of compromise and since the conference bill is preferable to no bill at all, I support and urge its approval by the Members of this House.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the conference report on H. R. 3020, known as the Hartley-Taft bill, cannot be intelligently discussed in the short time allotted. Columns of misleading propaganda have been given the public, by certain newspapers and commentators, that the conference committee bill is a much milder bill than the labor legislation passed by the House over a month ago. This propaganda is misleading and issued in order to confuse the Members of Congress and the public. The American people have been led to believe that employers generally are in favor of the Hartley-Taft labor bill. The vast majority of industrial management, if they were thoroughly familiar with the provisions which are so cleverly set up in the conference report of H. R. 3020, would be opposed to this legislation. In the past few weeks I have spoken to gatherings on this legislation in New Jersey, Pennsylvania, and the Calumet region in Indiana. I have had employers come to me after the meetings and express concern and apprehension over its passage. They possess this attitude in spite of the fact that 90 percent of the misleading propaganda on this bill has been intensely and unfairly antilabor. I might call the Members' attention to one major industry whose management cooperated and faithfully bargained collectively with the union representing their employees. I refer specifically to the steel industry in the Calumet region of Indiana. I have on this table protest petitions containing over 20,000 signatures from the Calumet region (Lake County, Indana) against this Hartley-Taft bill. These signatures are from workers, businessmen, farmers, veterans, and so forth. After World War I, this great industrial area was plagued with strikes and lock-outs, involving terrific property damage and loss of life. Members can recollect more recently when 19 industrial workers were shot down in the South Chicago strike riot on Memorial Day 1937. This was before the Wagner Act. In spite of the unreasonable rise in the cost of living and the reduction of take-home pay since VJ-day, industrial unrest in the Calumet region has been at a minimum and strikes have been practically negligible. The propaganda used by the sponsors of this legislation to mislead the American public has been a systematic magnifying of a few unfortunate labor-management strikes and disputes which have occurred throughout the country. Nothing has been said about the tens of thousands of labor disputes which have been equitably and justly settled under the existing National Labor Relations Act.

I know that a great number of Members on this floor have not digested and thoroughly analyzed the 73 pages in this conference report. I will refer to but a few provisions in the limited time allotted.

Section 8 (a) (3) pretends to permit union security such as maintenance, union shop, and so forth, but it provides that the union must secure an affirmative vote of a majority, not only of those who participate in the vote but of all the employees in the entire unit (including those who failed to turn out to vote). Imagine the difficulty involved in a provision like this where twenty or thirty thousand men work in one separate plant, like an automobile factory or a steel mill. Other provisions in this section practically nullify union security.

It also provides under section 9 (e) (2) that after the union has cleared all the impeding hurdles involving elections, contracts, and so forth, in the above section, that after 1 year, a minority group of 30 percent of the employees can secure a new ballot to take away the right to union security.

It also provides that even though a majority or unanimous vote may have authorized the collective-bargaining representative to negotiate a check-off, the collective representation must be broken down into individual assignments.

The bill in section 2 and in section 10 retains some of the language of the present Wagner Act, recognizing that public policy requires collective bargaining, but in a comprehensive reading of the collective-bargaining sections, one can easily see that an obstinate, unfair, and uncooperative employer can practically nullify collective bargaining under the provisions of this legislation.

Under section 9 (f) (g), even if the employees succeed in organizing themselves, the bill discovers new ways of preventing them from achieving collective-bargaining rights. Another of the unfair and hidden impediments to good faith collective bargaining is the following: An unfair employer could evade any obligation to bargain with a union representing any or all of his employees if he can show that among all the members of the international union throughout the country, there may have been one union member who did not receive the required financial report. As a matter of fact, under the bill, the employer would not even have the burden of proving this because the burden is on the union to show that it has furnished to all of the members such a report.

Further, under section 9 (h), once an officer of either the local or national union anywhere in the country would neglect or fail to file an affidavit that he or she at one time was a member or affiliated with the Communist Party, then all collective bargaining with all locals of that national union throughout the country may break down. Thousands of innocent union members would suffer by reason of the refusal or neglect of an individual union officer in some remote part of the United States to file the required affidavit.

Section 8 (b) (4) of the bill seriously restricts the right of employees to strike or boycott for the purpose of protecting their own organizations and their wage-and-hour standards against the destructive competition of nonunion labor. This section is not limited to the prevention of those jurisdictional strikes and secondary boycotts which President Truman recommended should be banned, but prohibits forms of peaceful economic action by unions which are recognized by courts as legitimate and justified. Another restriction on labor is found in section 8 (d) where, for violation of the 60-day cooling off requirement, the employer may be found by the National Labor Relations Board to have refused to bargain and thereupon be ordered by the Board to bargain; but—employees who strike within the 60-day period will be guilty of an unfair labor practice and in addition, lose their status as employees, and may thereafter be discriminatorily discharged even though an unfair employer might have deliberately provoked the strike for the purpose of ridding himself of union labor.

Section 9 (c) (2) welcomes back to the industrial scene the insidious company dominated union.

Section 10 (j) (1) brings back once more the hated Government injunction from which labor thought the Norris-LaGuardia Act had forever freed it.

Other sections of the bill are equally unsound. Section 3 (d) places sole authority over the investigating and prosecuting functions of the Board in its general counsel, calls for the centralization of excessive power in one individual and, in effect, makes the Board itself subject to him.

Section 8 (b) (2) makes it an unfair labor practice for a union to cause an employer to discharge a nonunion employee under the union-shop contract where the employee has been denied membership or has been expelled from the union for some reason other than his failure to pay dues or initiation fees.

Section 8 (c) goes far beyond the mere protection of the constitutional right of free speech and prescribes that statements which contain no threat of reprisals, force, or promise of benefit may not even be considered as evidence of an unfair labor practice. In no other field of law are a man's statements excluded as evidence of an illegal intention.

Section 9 (c) (3) denies the right to vote in a representation election to employees then on strike because of an economic dispute. This provision is particularly vicious because it enables an employer, by a petition for an election filed by either himself or a minority of his employees, to secure the rejection of an established bargaining agent at the

very time that the public interest makes it particularly urgent that collective bargaining continue.

The whole bill is administratively unworkable. Numerous new functions are added to those which the National Labor Relations Board already finds itself handicapped in performing because of lack of funds. For example, the Board must resolve jurisdictional disputes, secure injunctions, and police the internal affairs of unions. It must make such determinations as the reasonableness of union initiation fees and what constitutes feather-bedding, with vague standards or none at all to guide it. Its work is needlessly increased by the prohibition of such useful and time-proven devices as prehearing elections and consent-card checks, and it is hamstrung in conducting its hearings by the requirement that it do so in accordance with strict rules of evidence—a requirement made of no other governmental administrative tribunal working in a specialized field.

I have pointed out only a few of the objections, as I see them, to the bill in its present form. It is clear that such a bill is not intended to encourage but rather is intended to discourage self-organization by employees and collective bargaining with their employers. The bill will not decrease but will produce and prolong strife and conflict in labor-management relations; it will not promote but will defeat the objectives which we are now striving so mightily to achieve, a high standard of living, full production and full employment in a peaceful world.

During the month-long open hearings of the House Committee on Education and Labor, remarks were made by some of the majority members of the committee that the American people gave the Eightieth Congress a mandate to pass strict regulatory laws involving union labor.

At no time during the campaign last fall did I read or hear, either on the radio or the public platform, any responsible Republican leader or candidate publicly tell the American people that the Republican Party would sponsor legislation similar to the Taft-Hartley bill, if they secured control of the Eightieth Congress. In fact the reverse was the assurance that the Grand Old Party gave to the voters during the last two campaigns.

I will now read part of the Republican platform of 1944:

> The Republican Party is the historical champion of free labor. Under Republican administrations, American manufacturing developed and American workers attained the most progressive standards of living of any workers in the world. Now the Nation owes these workers a debt of gratitude for their magnificent productive effort in support of the war.
>
> The Republican Party accepts the purposes of the National Labor Relations Act.

Governor Thomas Dewey, the present titular head of the Republican Party, in a speech at Seattle, stated, and I quote:

> The National Labor Relations Act is a good and necessary law. It acknowledges the trend of our times and will continue to be the law of the land.

On January 8, 1947, just 4 months ago, Governor Dewey set forth the labor policy of his administration in the following words:

> The labor policy of the State rests on a maximum of voluntary mediation and a minimum of government compulsion. This policy has promoted free collective bargaining. It has been widely successful in preventing strikes and violence. We propose to continue this policy.

The Republican Party should have informed the American wage earners last fall of the true mandate which they intended to carry out if they secured control of the Eightieth Congress.

The Eightieth Congress should have followed President Truman's recommendation of January 6, 1947, in his state of the Union message when he said:

> We must not, under the stress of emotion, endanger our American freedom by taking ill-considered action which will lead to results not anticipated or desired.

The President further said:

> We should enact legislation to correct certain abuses and to provide additional Government assistance in bargaining, but we should also concern ourselves with the basic cause of labor-management difficulties.

The President urged creation of a temporary joint commission to inquire into the entire field of labor-management relations composed of 12 Members of Congress, chosen by Congress and 8 members representing the public, management, and labor appointed by the President. He suggested that this commission investigate and make recommendations to the Congress.

Had this Congress followed President Truman's recommendation constructive labor-management legislation might have been presented to the Congress.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. LANDIS], a member of the committee.

Mr. LANDIS. Mr. Speaker, Congress has a responsibility to enact labor legislation that will be constructive and give first consideration to the welfare of the Nation. I realize we cannot solve all labor-management problems by legislation, but we can stop the Red labor leaders and labor racketeering.

Labor leaders do not want any labor legislation. They want the house of labor to solve these problems. But the American public has waited patiently for them to act. Industrial unrest proves that our present labor laws are thoroughly inadequate of attaining industrial peace. And Congress intends to do something about it in terms of what is best for all of the people.

The proposals in the conference report are not harsh or punitive. Labor still has the right to strike, and the rank and file of labor will have the right to take a greater part in their problems with the right of the secret ballot. Labor will still have the right to bargain with management on the local plant level, region, or on an industry-wide basis. Labor will still have the right to the voluntary check-off and the right to bargain collectively on wages, hours, safety measures, and better working conditions. Craft unions will get more protection under the globe doctrine which is written in the bill.

This conference report will take care of labor abuses without destroying labor's rights. It completely outlaws jurisdictional strikes, wildcat strikes, and secondary boycotts. However, these are labor evils and abuses and not labor rights.

In order to stop the strikes which threaten the health and welfare of the Nation we have set up a plan, in many ways, like the Railway Labor Act. It is a plan to bring the two sides together without harming labor, management, or the public.

We added the following sections to the Senate bill: Barring political contributions and expenditures by labor unions, as well as by employees, separation of functions, rules of evidence, bar strikes against the Government, make it a violation of the law for a union to try to compel an employer to pay its members for services not performed, initiation fees of unions are to be controlled by the NLRB, plant guards can organize in a separate organization, and the rank and file of labor will be permitted to take a secret ballot on the last offer, and most of the bill of rights.

The NLRB will be expanded to five members and take on judicial functions. The general counsel of the NLRB will become the key labor-enforcement officer of the Government. He will head the staff in the regional offices. He will have the final authority over whether complaints of unfair-labor practices shall be filed against employers or unions. The general counsel is to be selected by the President and confirmed by the Senate.

These proposals are not perfect but they will go a long way toward reducing future strikes. Legislation is not the complete answer to our problems in labor relations. Much will depend upon the administration of labor laws.

The Senate and House conferees were anxious to get a bill which would correct labor abuses—and yet give the President sound reason for approval.

There has been some misinformation on some of the penalties on most important things, and I should like to give you the penalties in this bill. First is the secondary boycott. The penalty for a secondary boycott is first, mandatory injunction by the regional office of the Board; second, suit for damages; and third, the employee discharged therefor not entitled to reinstatement.

Second, jurisdictional strikes; the penalties for jurisdictional strikes are, first, discretionary injunction by the regional office of the Board, second, suit for damages, and third, employee discharged therefor not entitled to reinstatement.

Third, on violence, mass picketing, and other intimidation and coercion, the penalties are, first discretionary injunction by the Board, second, possible suit for damages; third, cease-and-desist order of the Board; and fourth, employee discharged therefor not entitled to reinstatement.

The closed shop is prohibited and the union shop is permitted if a majority of the employees vote for it. There must

be over 50 percent of the vote of the entire membership of the employees in order to get the right to bargain collectively for the union shop.

Of course, the employees do have a right to bargain collectively and have the right to strike for a union shop and not a closed shop. The closed shop is outlawed.

Mr. HARTLEY. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Speaker, when I voted against the passage of the House omnibus labor bill on April 17 I told the House I favored most of the bill's provisions but I could not go along with the ban on industry-wide bargaining and the provision for the use of private injunctions. These have been eliminated in conference and I shall support the measure now before us.

I do not endorse every section of this bill, but I do believe that it will make for greater equality between labor and management in industrial relations and that its necessary provisions now outweigh those of doubtful value.

Mr. HARTLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to print at this point in the RECORD a speech by the gentleman from Pennsylvania [Mr. KELLEY], who is attending the labor convention in Switzerland.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KELLEY. Mr. Speaker, this labor conference bill should be vetoed, if it is accepted by the Congress. I have already asked the President to do so, pointing out two pertinent facts: First, that the bill will not promote labor-management peace but will make for discontent and unhappiness among our working people and, second, that communism thrives on such discontent and this bill will contribute to its spread.

The working people of this country have never had a great deal of security. They have never been able to look forward to old age without apprehension. This Congress has done nothing to promote their security. On the contrary, all legislation passed by the Eightieth Congress affecting the working people has been injurious or nonbeneficial to them. How can they be contented when they know this? Yet the greatest bulwark against communism is a happy and contented people.

Labor organizations have given their members some measure of security. That is one reason that millions of workingmen and women flock to join unions. They were not compelled or under pressure to do so, notwithstanding the arguments produced by the proponents of the bill that they were forced to join. Only through unions have the masses of the people been able to safeguard themselves against overwhelming insecurity. When I speak of insecurity, I mean as concerns jobs and opportunities to earn a better living. Our workers have been maliciously fired by companies without reason. In times of depression millions have been laid off, and then the argument that in America a man can work at a job of his own choosing does not hold, for he is forced to work at whatever he can get—or starve. There is no alternative.

Moreover, this bill was based on false premises, or at least on undetermined facts, as the one previously mentioned that men were forced to join unions. Was this conclusion ever thoroughly investigated by the committee through witnesses from the rank and file? It was not. Again, there was the statement that the rank-and-file members of unions were generally dissatisfied with union leaders. Was this charge investigated by the committee from witnesses of the rank and file? It was not. These are two of the premises given to the public which were never verified. The authors of the bill must be doubtful about its effectiveness and the results, for they have provided for the establishment of a commission to make a thorough study of labor-management relations. In so doing they have put the cart before the horse. Yet in January in his message to the Congress the President proposed such a commission, resolutions were introduced for the purpose, of one of which I had the honor to be the author, but they were never considered. This was the sound and logical approach to this problem, yet it was passed over and the legislation before us was prepared without proper study and investigation and based on false premises.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. KLEIN] a member of the committee.

Mr. KLEIN. Mr. Speaker, I know that much cannot be added at this late date to what has already been said in the hearings and debate, on the bill and during today's debate on the conference report.

But I am very much concerned at the idea that is going out to the country that the Congress of the United States is being run by big business, by groups such as the National Association of Manufacturers, the Chamber of Commerce, and other spokesmen for big business.

We pass a tax bill which in my opinion and in the opinion of many, many people favors the rich and discriminates against the poor. Now, we are passing a bill which penalizes the laboring people of this country, the ordinary, and to use a much abused term, the common people of the country, who make up the backbone of this Nation. They are being penalized now because of a few excesses of some labor leaders in the past. Both of these actions would seem to strengthen in the people's minds the theory that the Congress is more interested in helping big business, and the wealthly people of the country, than it is in looking to the welfare of the great mass of wage-earners and lower-income groups.

Much has been said about the mandate of November 5, 1946. I want to remind you gentleman on the left, the Republicans, that a minority of the people voted in that election. It never was the peoples' mandate to pass such restrictive measures. If you are so much concerned about mandates, I think if you pass this bill you will rue the mandate that you will get in November 1948, because you will then find that many of you will not be back here the following session. The voters back home will certainly let you know they oppose this type of legislation.

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. KLEIN. I yield to the gentlewoman from New Jersey.

Mrs. NORTON. Mr. Speaker, at long last the labor baiters and labor haters are having a field day, the day you had hoped for for 10 long years. Today, because of the sins of a few labor leaders you are punishing the whole labor movement. Already you have forgotten the great war record of labor without which it would have been impossible to win the war. You intend to punish men and women whose only sin is that they are striving for equality in labor relations, the only power that the workers have. You have voted to give the rich men 33⅓ percent reduction in taxes in what you term the interests of equality, but you have knocked out price control and you are responsible for the highest food prices in my memory. You have broken down nearly all Government restrictions and are now preparing to do so with regard to rent in order to make the rich richer, and you are now attempting to make the poor subservient. But you cannot do it. No law that is unfair and discriminates against the individual will ever succeed in free America. You cannot by law destroy the God-given right of man. The "noble experiment" was tried and when it had succeeded in organizing gangsters instead of outlawing liquor, it was repealed. Much that is in this bill you will bitterly regret.

For the last 14 years your Labor Committee and a Democratic Congress protected labor, with the result that when our country needed labor to supply the necessities of war, production was speeded up until this country became the wonder and the envy of the world. None profited more than the National Association of Manufacturers. That group of "little men" who wrote this bill for their own profit and found a subservient Republican committee ready and anxious to do their bidding——

The SPEAKER. The time of the gentleman from New York [Mr. KLEIN] has expired.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, in all the years it has been my privilege to associate with the Members of this House, never once has a word of criticism of any individual Member crossed my lips. That record will remain unsullied. But the statements which have been made with reference to this bill and to those who wrote it and to those who will vote for it are so filled with arrant nonsense and misinformation that I cannot at this moment refrain from criticizing, not the individuals but the statements that have been made and the conclusions expressed.

The mayor of the city of New York produces a great show in protest against this bill, on the theory that it is anti-labor. That is a show, but it produces no facts, gives no reasons to justify the charges made. Just a farce—a Punch-and-Judy show.

We have been told time and time again that it was involuntary servitude that would be imposed if this bill were adopted. I notice the Member from New Jersey shakes her head in the affirmative.

Mrs. NORTON. That is right.

Mr. HOFFMAN. You are right in this, that upon the free American whose right to work, who must work if he would live and eat, upon him there are restrictions. Under this bill he can be forced, coerced, if you prefer, by violence driven into the union shop, made to pay for the privilege of exercising his right to work. In that way it is involuntary servitude. Not upon the union man but on the 52,000,000 workers who do not belong to, who do not wish to join, unions.

People who criticize this bill, as far as I know them personally, never had, never will have a callus on their hands. Their calluses are elsewhere.

Let me make one of those Drew Pearson statements. Tonight, and when this bill is signed by the President, you will find Lee Pressman, counsel for the CIO, and Joe Padway, counsel for the A. F. of L., holding a champagne and a campaign dinner in celebration of their great victory because, in my humble opinion, it gives to racketeers, extortionists, and ambitious political leaders in the unions additional power which they should not have.

This House was asked to write a bill which would guarantee to the American citizen the right to work without paying tribute to anyone, which would protect employees, unions, and the public. The House came very near writing such a bill. It wrote a good bill. A very good bill– fair, just, and an almost adequate bill. Then, as so often happens, it went to the other body, and there in conference seven men wrote a new bill. I say, by way of compliment to our chairman, he did a good job in that he came back with a bill which carried the House No. 3020. None of the House conferees lost their pants. I want to add, complimenting the gentleman from Indiana [Mr. LANDIS], he did a good job for the United Mine Workers, of which he is an honored member. John L. Lewis, head of that union, should in justice give the gentleman at least a certificate of appreciation, for the gentleman from Indiana brought the bacon home to John in the form of industry-wide bargaining. Now you say, What am I going to do with all that in my mind? I will tell you what I am going to do. I do not like the bill. I had hoped to live long enough—though some folks hoped I would die sooner—to walk out of that door knowing that the Congress, the Senate as well as the House, had passed a bill which would protect the public health, welfare, and safety. This bill does not adequately do that.

For more than 10 long years I have fought on the floor of this House and elsewhere for a bill which would protect the constitutional and the God-given right of a man to work—for a bill which would prevent, under the guise of unionism the necessity of paying tribute before a man was permitted to work at the job which he had, with which he was satisfied. This bill does not give that protection.

For 10 years and longer I have fought to prevent employers who have a monopoly of production along certain lines and labor leaders who have a dictatorship over workers getting together and grinding as it were, between the upper and lower millstones the men and women who must work if they would eat. This bill does not do that. On the contrary, it makes it easier for the ambitious labor leader and the greedy employer to conspire together and exploit the worker. And that today is being done. When you in the smaller cities see your industries losing to the competition of the huge corporations in the cities you will realize what I mean.

The bill contains no adequate provisions which either prevent or punish the participants in sympathy, secondary, or jurisdictional strikes and boycotts.

The bill rewards, gives additional help to, and increases by $2,000 a year, the compensation of the Board members. A Board which admittedly is biased, prejudiced, and unfair. Paying an employee more money and giving him more help has always, in every man's language, been considered an approval of his work. The Board should have been fired, a new Board chosen.

It was my thought, my hope, and my prayer that a Republican Congress would do a thorough job. The House tried. Politicians had their way. Perhaps in '48 a people's Congress will do the job. I am still hoping I will live long enough to see that day and be back here, not home, when the job is done.

This bill is the best we can get at the moment. Perhaps a few strikes in essential industries, the collection of a few more millions of dollars from the public by extortionists in unions, will give us proper legislation in '49. I have had so many things rammed down my throat during the last 13 years that I may not choke to death if I have to swallow this one. There are a few good things in it. At least it breaks the ice. Its adoption will prove that the Wagner Act can be amended. Hence because of that—and because such an overwhelming majority of my colleagues will support the bill I am led to doubt the wisdom of my own judgment—will yield to the pressure of their combined convictions and with misgivings that the bill is worse than the present law, vote for the measure. When, however, folks talk about this bill restricting labor, do not make any mistake. If the Member from New Jersey—I do not know how to say it——

Mrs. NORTON. Do not.

Mr. HOFFMAN. "Do not say it." If the Member from New Jersey believed as I believe, which she thanks God she does not, she would say that this was the gift of the Congress to the unions and the union leaders.

The redeeming feature is that its passage will prove that the NLRA can be amended and in another 2 years even the other body may "get religion."

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Speaker——

Mr. SABATH. Mr. Speaker, will the gentleman yield for a consent request?

Mr BARDEN. Cannot the gentleman wait? Yes; I yield.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

"THE SHEEP ARE HAPPIER BY THEMSELVES THAN UNDER THE CARE OF WOLVES"

Mr. SABATH. Mr. Speaker, it is indeed amazing to me to listen to gentlemen who, day in and day out, have attacked and villified organized labor and its leaders, and who have endeavored in every way to destroy labor unions which have done so much for working people and for the country, now come before us and say that this legislation is in the interest of labor, and for the protection of labor, and for the good of labor.

I am reminded immediately of the observation of Thomas Jefferson, the great democrat, whether you spell it with a capital or with a small d, the great statesman: "The sheep," Jefferson wrote, "are happier of themselves than under the care of wolves."

SO THE WOLVES WILL PROTECT LABOR

Are these gentlemen, then, the wolves who will protect labor, but perhaps at a rather high cost of mortality in union ranks?

Is it not ridiculous that they should suddenly protest a touching and protective solicitude for the welfare of the American workingman? It is rank hypocrisy, and fools no one.

Are not the same forces behind this destructive and revolutionary bill which for many years have expended furious energy and huge sums of money in undermining the force of labor—the Chamber of Commerce, the National Association of Manufacturers, and their lesser but even more virulent satellites? You know they are. They wrote this bill; they devised the strategy; they are jamming it through.

INDUSTRIAL PEACE REIGNS TODAY

Are they urging and forcing through this legislation because of any sympathy they have for the rights and aims of the common people, of working people?

Do they actually believe for one moment that the American people will accept their fantastic statements that this bill is the product of a benevolent and protective industry burning with desire to help and feed the people?

Today we have 58,000,000 people at work. Every able-bodied man or woman who desires work is employed. If ever there was peace between industry and labor, it is today. Strikes and disputes of all kinds are at a minimum. Enlightened management is satisfied. Our present laws are functioning well, to help

labor stand up to its more powerful partner in production, but not to coerce.

WHY EMASCULATE LABOR RELATIONS ACT?

Why, then, this indecent rush to pass this bill which emasculates the Wagner Labor Relations Act, which saps the strength from the Norris-LaGuardia Act, which makes political activity by unions a crime? The Wagner Act was passed by a Democratic Congress under the greatest of all Democratic administrations. It was aimed at remedying many flagrant abuses. It has helped to stabilize the relations between management and labor. It has equalized, to some extent, the disparity in strength between the workers and the employers.

Have not manufacturers and businessmen made more money and become more prosperous under this law than ever before? Did not labor show greater patriotism during World War II than the greedy profiteers who are forcing this legislation upon the country?

NOT TO PROTECT LABOR BUT TO DESTROY IT

To say that this legislation is to protect labor is nonsense. It is, on the other hand, intended to destroy it.

We could have brought in reasonable legislation to remedy any real abuses that have developed. We could have established, as the President recommended, a joint commission to study and examine the entire subject of labor-management relations. This bill, should it ever become law—which, God forbid—would create a labor chaos. It solves no problems; it creates new ones.

HELPED PASS FAVORABLE LEGISLATION

I am deeply gratified that it has been my fortunate lot to aid in the preparation and passage of legislation genuinely helpful to labor and to the country. I am very proud of that. But I should deplore this bill ever becoming law. In the interest of justice and fair play, I am certain that the President will veto this bill, and thus encourage continuation of the present industrial peace and our high standards of prosperity and our unprecedented production.

If you Republicans think that the interests who are forcing you to adopt this legislation will help to reelect you, I tell you now you are badly fooled. They cannot do it, no matter how much money they may expend. All their money cannot buy the American people.

You fooled them in 1946. You cannot fool them in 1948. You promised that with a Republican Congress and abolition of OPA prices would come down. That promise has not been realized. Prices are higher than ever.

A reactionary coalition is in control now; but some day, I hope, there will be a coalition in the interest of the people which will follow the Jeffersonian doctrine, "Equal rights to all, special privileges to none."

CONFEREES REWROTE BILL

I regret that time and space do not permit the full impact of this bill, and of the dangerous changes made by the conferees in rewriting the bill, to be explained line by line. Few indeed who will soon vote on this fateful measure understand its full meaning.

I am inserting here a brief résumé of the principal changes made by the Hartley-Taft bill from existing law; but this brief memo can only hint at the way in which the whole structure of union-management relations is gutted; at the inconsistencies, the inadequacies, and the discriminations presented here:

MAIN CHANGES FROM EXISTING LAW IN TAFT-HARTLEY CONFERENCE BILL H. R. 3020

A. AMENDMENT TO WAGNER ACT

1. Supervisory employees

Places supervisory employees outside the act.

2. Closed shop and union shop; voting

Outlaws closed shop agreements by making it an unfair labor practice to carry them into effect.

Permits union shop agreements only where supported by a vote of a majority of employees eligible to vote. No employee is eligible to vote if he is on strike for straight economic reasons and has been replaced.

3. Discharge of employees for other reasons than nonpayment of dues

Whenever the employer has reason to believe that the union is unfair to an employee who offers to pay dues, he must retain the employee even in spite of a union shop contract or be guilty of an unfair labor practice. At the same time the union cannot cause his discharge from the union and employment on any grounds except nonpayment of dues.

4. Restraint or coercion by labor unions

The conference bill makes it an unfair labor practice for labor unions to restrain or coerce employees in the exercise of their rights.

5. Prohibition of certain legitimate activities

Under section 8 (b) (4) of amendments to the Wagner Act, unions are in effect prevented from refusing to handle goods even if the object is to organize competing plants, to protect fair union labor standards, or to quell an attack which threatens the organization's existence. This is done by failing to distinguish between inexcusable boycotts and legitimate economic action. These activities would also be made subject to employer damage suits in the Federal courts and to court injunctions required to be sought by the Board.

6. Featherbedding practices

Under section 8 (b) (6) of the amendments, featherbedding practices are prohibited as unfair.

7. Strikes at the end of existing agreements in violation of 60-day notice provision

If an employee strikes in violation of a required 60-day notice provision regarding renewal of existing agreements (sec. 8 (d)) he could forever be barred from employment by the employer.

8. Company unions

By section 9 (c) (2) of the amendments the Board must put company dominated unions on the ballot for an election side by side with the bona fide union even if the former has been ordered disestablished the day before.

B. CONCILIATION AND MEDIATION

1. Abolishes Conciliation Service in Department of Labor and sets up an independent agency for this purpose.

2. Directs Federal injunctions against strikes constituting national emergencies.

C. SUITS BY AND AGAINST UNIONS

1. Waives present jurisdictional requirements in Federal courts of diversity of citizenship and amount in controversy where suit involves breach of collective agreement.

D. POLITICAL ACTIVITIES

The measure provides that unions and corporations cannot spend any money in any way to help defeat a candidate for elective Federal office.

OF THE PEOPLE, BY MANAGEMENT, FOR MANAGEMENT

This bill represents a flagrant example of invisible government showing through the curtains.

In every section there is some slight jerkiness as, with pious mouthings about "labor's bill of rights," logic and coherence have been openly and savagely sacrificed to give some undue and unfair advantage to management—to the vested interests—over human beings.

Court rules of evidence are imposed on the Board, although there is no reason or excuse for doing so except to make the Board's functioning more cumbersome, more inefficient, and less impartial and realistic.

In regard to protection of their own rights, supervisory employees are ruled to be a part of management and thrust outside the benefits of the act; but when it comes to inexcusable departure from the principles of agency law, supervisory employees are ruled to be labor.

The prohibition against political expenditures reduces mass organization through the natural voice of organized labor to impotency.

Another clause requires the Board—and ultimately, no doubt, many an appellate court—to rule, not on the facts, but on a state of mind. The American principle of majority rule is violated repeatedly.

I could go on, Mr. Speaker, indefinitely; but limitations of time and space forbid. I can only say that the American people will remember this affront to justice and fair play.

Mr. BARDEN. Mr. Speaker, 5 minutes, or twice 5 minutes, is absolutely inadequate to discuss a bill of this importance. I have been interested in listening, though, to some of the caustic comments by another Member.

During my service in this House I have found this body to be changeable; that is, in personnel, from one Congress to another; but I have found it to be a very fine and honorable group of people who are here in the interest of the American people. There is not a man in this body but who knows the labor group in America, that is the men who toil for a living, are composed of the fine, sturdy Americans, almost the backbone of this Nation. That group includes farmers; it includes mechanics, shop workers, office and railroad employees, and other people who keep the wheels of industry turning.

When this bill went through this House, out of the 435 Members, 107 voted against it; and the proportion was about the same in the Senate. I simply want to say this: Before I would stand in this well and dub three-quarters of my colleagues in this House "labor baiters" and "labor haters," as has been done, or before I would pay that price to return to this Chamber, I would walk out never to return.

There is room for fair play in America, enough fair play for every American.

We believe in equal rights to all and special privileges to none. That is the philosophy of this bill. It is a fair, honest, sincere approach to the solution of a problem that has been affecting every American for the last several years.

Many of the problems causing this legislation could have very easily been settled by the leaders of the great labor organizations had they chosen to do it; but, no, they went so far that the tolerance of the American people was virtually exhausted and the people called for some remedial measures that would set things aright. The channels of commerce were being clogged.

The cost of living was going up. Production was going down and down. Those who have observed the trends know the only way to stop the rising cost of living was and is full production. Therefore we set about to do something.

This has been a troublesome piece of legislation. There are one or two things in the bill that I think are probably inadequately dealt with. I am the type of American who believes when a national emergency is declared by the President in which he says the health, welfare, and safety of America is at stake and imperiled, whether caused by a group from without or within this Nation, every good American should turn to and help relieve that situation and remove that hazard from the heads of the American people. We dealt with that subject very lightly and I do not think adequately. It will require the cooperation and leadership of the heads of the union and labor movements of this country with the Government of the United States in order to avoid the necessity for additional legislation along this line.

We have provided in this bill for some established rules of procedure in evidence and that they should be patterned insofar as practicable after the District courts And in some cases a review by the courts. Is this to be construed as an unfriendly act toward anyone? Why certainly not from the beginning of courts. They have been the haven of refuge for the oppressed or those who have been wronged. Labor, management, and the public are entitled to this protection.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. HARTLEY. Mr. Speaker, I yield the gentleman one additional minute. I regret I cannot give him more, but the time has all been taken.

Mr. BARDEN. I thank the gentleman. I was so much in hopes that maybe I would get as much time as some of the members of the committee who did not have to work on the conference committee. It looks like poor compensation for working and taking all the cussing that I took on the conference committee.

Mr. Speaker, I want to say in all sincerity the conference report is not everything that was in the House bill, it is not everything that we thought should be in the bill, but every provision of it is fair. With all of this talk I want somebody here to take some of the provisions they say are unfair and analyze them. They are talking in generalities. This is a good bill. I think it will solve the problem. I want to say that if the good men in labor do not set about and help remove some of the existing evils they will bring the house down on themselves. It is their responsibility to help the good labor people of this country and I hope that will be done. This bill is not antilabor, anticapital, or antipublic. It is good, sound Americanism, embodying rules of justice and fair play.

The SPEAKER. The time of the gentleman from North Carolina has again expired.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I quite agree with the gentleman from North Carolina in one statement he made, and that is if some leaders in the labor movement do not be a little more watchful, they may bring down wrath upon the heads of people who do not deserve it. I would like to vote for some curative measures with reference to labor and management conduct and conditions. I wanted to have time enough to study this bill a bit. I wanted to see the conference report, and what the managers on the part of the House and the Senate did, long enough before this bill came in here that I could determine for myself what was in this bill. I got the statement of the managers on the part of the House at 20 minutes to 12 this morning. I should have had a day and a night to look into this thing. Of course, everybody knows that nobody on God's earth can explain the provisions of this bill in 10 minutes or 20 minutes or an hour. Now, I know that the gentleman from Indiana [Mr. HALLECK] is going to get up and say how swiftly in the past we have acted on bills and on conference reports, but those were times of great emergency, where 24 hours meant a great deal. I would like to understand this bill.

In trying to understand this bill, it reminds me of a cowboy from my State who was a Member of Congress at one time and who interrupted one of his colleagues to ask a question. And the gentleman was very meticulous in explaining it, and he said, "Now, is that clear to the gentleman?" And my old friend, Oscar Callaway, said, "Yes; just as clear as mud." That is about as clear as this thing is. In the minds of a lot of people in the United States this is going to be a cure-all for all labor troubles when it is passed. It is going to stop all strikes of every kind and character, and if this bill goes to the White House and the President signs it, and there is any labor trouble in the United States after that, some people will say that all labor troubles have not been smoothed out because the President of the United States would not enforce the law. If he should veto this bill and it should pass over his veto, then they will say, "Of course, he is not going to enforce this law, because he was opposed to it." Suppose he vetoes it and his veto is sustained, then all the trouble and difficulties in labor relations will be laid upon his doorstep.

I do not think this bill, as far as I have been able to look into it, is a fair bill, and I am not going to vote for it for that reason.

In closing I want to read to you the thing that they are giving to the men and women who work in this country:

SEC. 502. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent—

That is a great concession—

nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

Many people may declare many places in the United States unsafe for people to work in.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARTLEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Speaker, the Congress started out with the commendable objective of equalizing the bargaining position of labor and management and eliminating the abuses of power that have been manifest in some of these relationships. This bill, however, goes far beyond that aim. It is an intricate web of obtuse and often ambiguous legal phraseology. It is likely to produce an administrative nightmare. The clauses relating to elections alone will produce endless confusion and delay in fixing bargaining units and rights.

The pious declarations of adherence to the principle of collective bargaining cannot cover the fact that this bill would make possible widespread frontal attacks upon collective bargaining and upon the right of labor, heretofore recognized, to organize, select representatives of their own choosing, and bargain collectively for legitimate ends. The bill is drawn in such a way as to permit unfair labor practices. It is a breeder of class hatred and a stimulus to class warfare. It will generate dissension and resentment, not only against free enterprise but against the Government.

In the hands of other than the most skillful administrators, its injunctive provisions might well constitute oppression of our working classes and violate their constitutional right not to be compelled to work against their will. It establishes a pattern of regimentation at a time when the country is anxious to escape from the effects of regimentation. If special laws, like this one, can be enacted and enforced drastically regulating the entire field of labor organization and collective bargaining, it is very certain that this measure will be used in the future as a precedent for similar regimentation of industry. We should recognize that this kind of regimentation is pleasing to communistic and Fascist groups. It is just what they want to help weaken our free capitalistic institutions. The bill is bound to fertilize the ground for dangerous social agitation and unrest, of which, Lord knows, we have already had enough. It is regrettable that the Congress has not been able to check antisocial practices that have grown up

in labor-management relations without seeking to put a halter around the necks of all our laboring classes, who must be the solid bulwark against subversion in the days and years to come, if this Nation is to preserve its major democratic features.

This bill is retaliatory, punitive, and discriminatory insofar as it covers honest, well-meaning patriotic working people and legitimate fair dealing and responsible leaders, as well as those who have not fully or fairly discharged their responsibilities to their own group and to the public. In seeking to curb the abuses of a minority, we would foist and fasten onerous, repressive controls upon the majority, and this is contrary to the spirit and nature of our free system. During the war we had the spectacle of a similar law passed to discipline and regulate labor being used to oust a prominent businessman from his own office. This measure will undoubtedly bring similar results, because such is the logical outgrowth of arbitrary class legislation.

The world and the country are presently in a most ominous situation. Abroad there is indescribable chaos and the threat of another steadily expanding totalitarian tyranny. Already the war drums are beating. At home we are beset by unhappy, but quite general, perplexity and uncertainty concerning the future of our industry, business, and political and economic status. Our problems never were more serious and compelling than they are today. This is the time for us to present a united front to the world and not the time for frictions, divisions, and suspicions among our own people.

I am not questioning the motives of the proponents of this bill because I believe them to be sincerely actuated by a desire to adjust and straighten out certain obvious maladjustments that confront us. But I certainly question the wisdom at this time, or in fact at any time, of omnibus legislation like this which drives a wedge between labor and management and which gives very many working men and women of the Nation a distinct feeling and conviction that management and government are combining to destroy their organizations, break down their rights of representation, recognition, and collective bargaining and subject them to the same kind of a commissar-guided totalitarian regimentation that exists in Russia where workers and businessmen alike are merely pawns of the economic super state.

I know that this legislation will pass this House, but I deplore the fact that the Congress is resorting to such an unprecedented weapon against our laboring people especially at this critical juncture in the affairs of the country and the world. It augurs no good either for future industrial relations or for the social and economic stability of the country. To my mind it is a retrogressive step, entirely unwise and ill-considered in the circumstances, which merely require a revision of the Wagner Act equalizing the bargaining positions of the parties, laws checking jurisdictional strikes, coercion, and certain types of boycotts, and measures protecting the country against major strikes in important public-service industries.

Again let me say, I deplore this type of labor measure and am very sorry that it has to come before the Congress at this time and especially sorry that it should be passed. Of course, while I desire to vote for certain corrective legislation, I cannot in conscience give this bill my support because I feel so deeply and so keenly that it will redound against the welfare of our country. I am therefore constrained to vote against this bill.

Mr. ROONEY. Mr. Speaker, we have before us this afternoon by far the most important piece of legislation to come before the Eightieth Congress. There is but one single hour's time for discussion of its details, and that time is limited to members of the committee. I am unalterably opposed to the so-called Hartley-Taft bill and shall vote against adoption of this conference report. As I said in this House on April 16, when we originally voted on this bill, by its terms it seeks to turn back the economic clock for the laboring man of America by at least 40 or 50 years. It has, therefore, been conclusively shown that this punitive legislation is the brain child of the National Association of Manufacturers and big business of this country. Every move so far made by the majority party during this Congress—and they are the sponsors of this Hartley-Taft bill—has been to make the rich richer and the poor poorer. I would be unfaithful to the trust reposed in me by the citizens of my congressional district, practically all of whom earn their bread by the sweat of their brow, if I were to support this vicious antilabor bill. I shall again vote against it.

Mr. HARTLEY. Mr. Speaker, I yield the balance of the time to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I am glad to see the very able minority leader of the House come to the defense of the Republican Congress. We have been criticized for not acting with sufficient speed on this and some other measures. Now the country will understand that, for the minority leader at least, we are moving a little too expeditiously.

I did not make the rules that provide the time within which conference reports may be called up after they are filed. Those rules are of long standing. They were here long before I came to Congress. The fact of the matter is that at the suggestion of the minority leader the final bill agreed upon in conference was in the hands of every Member yesterday morning. I personally arranged for each Member to have a copy delivered at his office. I do not know when the minority leader saw the conference report, but the conference report, with the statement on the part of the managers, was printed in the CONGRESSIONAL RECORD that was delivered to my house before breakfast this morning. That any one has not had ample opportunity to examine the bill and conference report is not persuasive. As a matter of fact, along with my many duties, I read today the conference report completely through. Not only that, I kind of checked along with some of the conferees, and I knew from day to day pretty well what was going into this bill. And I have no doubt that many other Members could have done the same thing.

Let us just take a look at this. The people, Democrats and Republicans alike, now demand of the Congress of the United States that we enact some sane, fair, decent, reasonable—and, yes, courageous—legislation dealing with the problems of labor-management relations. That is exactly what we have done here.

On April 17, 1947, more than 6 weeks ago, in the well of this House, I said to you:

> Here and now is the time to say to the American people that, as Members of Congress, we have the courage, we have fortitude, we have the good judgment, and the common sense, to undertake the writing of legislation dealing with these very troublesome problems—

Meaning the problems that have arisen under the National Labor Relations Act during the past 12 years.

On that same day, this House, with a unanimity that is rare when important legislation is concerned, voted, 308 to 107, in favor of H. R. 3020, which undertook, first, to bring industrial peace to the troubled field of labor relations; second, to eliminate unlawful practices that, when engaged in under the guise of collective bargaining, our laws protect; and third, to establish the interest of our people as a whole as being paramount to that of any group, whether of employers or of employees.

Some called that bill drastic. Others said it was a slave-labor bill, but they never state, nor can they, on what clauses in the bill they base such assertions. The fact is that none of those epithets, which are indeed poor substitutes for reasoned judgment and argument, is true in any regard. There was not a line in the House bill that by the furthest stretch of the imagination could be construed as compelling anyone in any job to work 1 hour or any part of an hour against his will, or that deprived him of his pay for services performed. The bill preserved, in language almost identical with the present act, the rights of employees and of unions against employers who, by unfair methods, sought to interfere with the workers' rights or undermine their union.

This bill preserves the guarantee of the Wagner Act giving to labor the right to organize and to bargain collectively.

Speaking of so-called slave labor laws, the only one that I ever saw proposed was that proposed by President Truman, when he asked the Congress to draft into the Army the railroad workers of the country who were then on strike.

The bill we passed did forbid, and provide remedies for, activities and practices by labor, as well as activities and practices of management, that almost everyone condemns. Among these were boycotts, jurisdictional strikes, violence in strikes, strikes in violation of contracts, strikes to compel employers to break the law, coercion of employees by unions. It imposed upon compulsory unionism restrictions far less stringent than those in the Railway Labor Act,

under which the railroad brotherhoods have flourished for years. It preserved the constitutional guaranty of free speech. It provided for separating the functions of the Labor Board, required the Board to decide cases before it according to the facts, and gave to the courts real power to review the Board's decisions. And it put the public interest in maintaining output so essential to our national well-being above the selfish interests of employers or of employees.

These clauses, I am glad to say, still are in the conference report. In form, many of them differ from the form in which they appeared in the House bill. But they are in the report now before the House, and in effective form.

Now these are not provisions that destroy unions. Those who say they will destroy unions say, in effect, that unions, in order to exist, must be free to coerce workers, to engage in violence, to break their contracts and to break the law, even the very law that protects them. I say this is not true. The great trade-union movement, which protects so many of our people and which has contributed so greatly to raising their standard of living, can and will thrive under the bill now before us. That is my conviction.

No one in this House expected our bill to come back from conference intact. In addressing the House just before it passed H. R. 3020, I said that the passage of the bill was just "the initial step in a legislative process," and that the bill would go through many more steps before it was finally enacted into law. The bill has gone through those steps. We now have received the conference report and the statement of the House managers. The result is a fair compromise, evolved in the American legislative tradition. It is representative government in action in which the views of people who differ must be harmonized.

The report is, even to those who wished for a more far-reaching result, more than a good start; and, by providing for further study by a joint commission of Congress of problems arising in the labor relations field, it makes certain that problems that it does not deal with will not be forgotten.

I recall that the minority leader, in closing the debate on the Hartley bill when it was before us, expressed the hope that a bill would come out of conference that he could support. This conference report is a fair bill, and until today I had hoped that he would join not only with the overwhelming majority of the Members of the House but with the clear majority of his colleagues on his own side of the aisle in making this bill law. I am disappointed to find that he will not support it.

One further thing: Last November after the election the President said these words:

> The people have elected a Republican majority to the Senate and to the House of Representatives. Under our Constitution, the Congress is the lawmaking body. The people have chosen to entrust the controlling voice in this branch of our Government to the Republican Party. I accept this verdict in the spirit in which all good citizens accept the result of any fair election.

Now, there has been a great deal of talk about a veto of this bill. If the House had passed this bill by the votes of one party, there might be some justification for this kind of talk. The President might then feel that the majority party had ridden roughshod over the minority. But the majority that passed this bill was a bipartisan majority. More Democrats voted for it than voted against it.

In these circumstances, where the majorities of both parties have voted for a more far-reaching bill than the one we have before us now, and where they have done so in response to the insistent demand of the overwhelming majority of our citizens, and where the welfare of our country requires such a law as we now propose, I say to you that talk of a veto reflects upon the good faith of the President in pledging his cooperation with Congress, as the law-making body, last fall.

I, for one, do not think that reflection is justified or is fair to the President. I do not think the President will veto this bill. But, veto or no veto, I say to you that this House must and will keep faith with the American people. This bill will become law.

The SPEAKER. The time of the gentleman from Indiana has expired. All time has expired.

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I offer a motion to recommit the conference report.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LESINSKI. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LESINSKI moves to recommit the conference report to the committee of conference.

Mr. HARTLEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. LESINSKI. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The Chair will count. [After counting.] Forty-five Members are in favor of ordering the yeas and nays. There are 351 Members present, not a sufficient number.

The yeas and nays were refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. LESINSKI) there were—ayes 55, noes 246.

So the motion was rejected.

The SPEAKER. The question is on agreeing to the conference report.

Mr. HARTLEY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 79, not voting 30, as follows:

[Roll No. 70]

YEAS—320

Abernethy	Engle, Calif.	McMillen, Ill.
Albert	Evins	MacKinnon
Allen, Calif.	Fallon	Macy
Allen, Ill.	Fellows	Mahon
Allen, La.	Fenton	Maloney
Almond	Fernandez	Manasco
Andersen, H. Carl	Fisher	Martin, Iowa
	Fletcher	Mason
Anderson, Calif.	Folger	Mathews
Andresen, August H.	Foote	Meade, Ky.
	Fulton	Meade, Md.
Andrews, Ala.	Gamble	Merrow
Andrews, N. Y.	Gary	Meyer
Arends	Gathings	Michener
Arnold	Gavin	Miller, Conn.
Auchincloss	Gearhart	Miller, Md.
Bakewell	Gillette	Miller, Nebr.
Banta	Gillie	Mills
Barden	Goff	Mitchell
Barrett	Goodwin	Monroney
Bates, Mass.	Gore	Morton
Battle	Gossett	Muhlenberg
Beall	Graham	Mundt
Beckworth	Grant, Ind.	Murray, Tenn.
Bender	Gregory	Murray, Wis.
Bennett, Mich.	Griffiths	Nixon
Bennett, Mo.	Gross	Nodar
Blackney	Gwinn N. Y.	Norblad
Boggs, Del.	Gwynne, Iowa	Norrell
Boggs, La.	Hagen	O'Hara
Bolton	Hale	O'Konski
Bonner	Hall, Edwin Arthur	Owens
Boykin		Pace
Bradley	Hall, Leonard W.	Passman
Bramblett		Patman
Brooks	Halleck	Patterson
Brown, Ga.	Hand	Peden
Brown, Ohio	Hardy	Phillips, Calif.
Bryson	Harris	Pickett
Buck	Harrison	Ploeser
Buffett	Hartley	Plumley
Bulwinkle	Hays	Poage
Burke	Hébert	Potts
Burleson	Herter	Poulson
Busbey	Heselton	Preston
Byrnes, Wis.	Hill	Price, Fla
Camp	Hinshaw	Priest
Canfield	Hobbs	Rains
Carson	Hoeven	Ramey
Case, N. J.	Hoffman	Rankin
Case, S. Dak.	Hope	Redden
Chadwick	Horan	Reed, Ill.
Chapman	Howell	Reed, N. Y.
Chelf	Jackson, Calif.	Rees
Chenoweth	Jarman	Reeves
Chiperfield	Jenison	Rich
Church	Jenkins, Ohio	Richards
Clark	Jenkins, Pa.	Riehlman
Clason	Jennings	Rivers
Clevenger	Jensen	Rizley
Clippinger	Johnson, Calif.	Robertson
Coffin	Johnson, Ill.	Robsion
Cole, Kans.	Johnson, Ind.	Rockwell
Cole, Mo.	Johnson, Tex.	Rogers, Fla.
Cole, N. Y.	Jones, Ala.	Rogers, Mass.
Colmer	Jones, N. C.	Rohrbough
Cooley	Jones, Ohio	Ross
Cooper	Jonkman	Russell
Corbett	Judd	Sadlak
Cotton	Kean	St. George
Coudert	Kearney	Sanborn
Courtney	Kearns	Sarbacher
Cox	Keating	Sasscer
Cravens	Keefe	Schwabe, Mo.
Crawford	Kerr	Schwabe, Okla.
Crow	Kersten, Wis.	Scoblick
Cunningham	Kilburn	Scott, Hardie
Curtis	Kilday	Scott, Hugh D., Jr.
Dague	Kunkel	
Davis, Ga.	Landis	Scrivner
Davis, Tenn.	Larcade	Seely-Brown
Davis, Wis.	Latham	Shafer
Dawson, Utah	Lea	Short
Deane	LeCompte	Simpson, Ill.
Devitt	LeFevre	Simpson, Pa.
D'Ewart	Lewis	Smathers
Dirksen	Lodge	Smith, Maine
Dolliver	Love	Smith, Va.
Domengeaux	Lucas	Smith, Wis.
Dondero	Lusk	Snyder
Dorn	Lyle	Springer
Doughton	McConnell	Stanley
Drewry	McCowen	Stefan
Durham	McDonough	Stevenson
Eaton	McDowell	Stigler
Ellis	McGarvey	Stockman
Ellsworth	McGregor	Stratton
Elsaesser	McMahon	Sundstrom
Engel, Mich.	McMillan, S. C.	Taber

Talle	Vinson	Wilson, Tex.
Taylor	Vorys	Winstead
Teague	Vursell	Wolcott
Thomas, N. J.	Weichel	Wolverton
Thomason	West	Woodruff
Tibbott	Wheeler	Worley
Towe	Whitten	Youngblood
Trimble	Whittington	Zimmerman
Twyman	Williams	
Vail	Wilson, Ind.	

NAYS—79

Angell	Gorski	Mansfield, Mont.
Bates, Ky.	Harless, Ariz.	Marcantonio
Bishop	Hart	Miller, Calif.
Blatnik	Havenner	Morgan
Bloom	Hedrick	Morris
Brehm	Heffernan	Murdock
Brophy	Holifield	Norton
Buchanan	Huber	O'Brien
Buckley	Hull	O'Toole
Butler	Jackson, Wash.	Philbin
Byrne, N. Y.	Javits	Phillips, Tenn.
Cannon	Johnson, Okla.	Price, Ill.
Carroll	Jones, Wash.	Rabin
Celler	Karsten, Mo.	Rayburn
Clements	Kee	Rayfiel
Combs	Kefauver	Rooney
Crosser	Kennedy	Sabath
Dawson, Ill.	Keogh	Sadowski
Delaney	King	Sheppard
Dingell	Kirwan	Somers
Donohue	Klein	Spence
Douglas	Lane	Thomas, Tex.
Eberharter	Lanham	Tollefson
Feighan	Lemke	Walter
Fogarty	Lesinski	Welch
Forand	Lynch	
Gordon	Madden	

NOT VOTING—30

Bell	Harness, Ind.	Pfeifer
Bland	Hendricks	Powell
Elliott	Hess	Riley
Elston	Holmes	Sikes
Flannagan	Kelley	Smith, Kans.
Fuller	Knutson	Smith, Ohio
Gallagher	McCormack	Van Zandt
Gifford	Mansfield, Tex.	Wadsworth
Granger	Morrison	Wigglesworth
Grant, Ala.	Peterson	Wood

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Holmes for, with Mr. Pfeifer against.
Mr. Wood for, with Mr. Granger against.
Mr. Sikes for, with Mr. Kelley against.
Mr. Bell for, with Mr. Flannagan against.
Mr. Van Zandt for, with Mr. Powell against.
Mr. Riley for, with Mr. McCormack against.

General pairs until further notice:

Mr. Knutson with Mr. Bland.
Mr. Wigglesworth with Mr. Peterson.
Mr. Harness of Indiana with Mr. Morrison.
Mr. Wadsworth with Mr. Elliott.
Mr. Smith of Kansas with Mr. Grant of Alabama.
Mr. Hess with Mr. Mansfield of Texas.
Mr. Elston with Mr. Hendricks.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE COMMITTEE ON WOOL BILL

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

JUNE 4, 1947.

Hon. JOSEPH W. MARTIN, Jr.,
Speaker, House of Representatives.

MY DEAR MR. SPEAKER: This is to advise that it will be necessary for me to resign from the conference committee on the wool bill. I am leaving the city today for a few days' rest upon doctor's orders.

Sincerely yours,

JOHN W. FLANNAGAN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Missouri [Mr. ZIMMERMAN] to serve on the conference committee on the wool bill, and the Senate will be notified accordingly.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to revise and extend his remarks in the RECORD in three instances and to include three resolutions.

Mr. HAVENNER asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a newspaper article.

Mr. ROONEY asked and was given permission to extend his remarks in the RECORD and include two newspaper editorials.

EVANS FORDYCE CARLSON

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, in Arlington Cemetery today the body of Brig. Gen. Evans F. Carlson will be buried with the military honors that befit one of the foremost heroes of World War II.

Every American knows his story. They know of his courage and of his ability to lead and inspire men. They will long remember Evans Carlson, the man who organized, trained, and led Carlson's Raiders, a military unit unique in modern American history.

Evans Carlson, professional soldier that he was, threw away the book in forming his Raiders. He had a name for his system. It was Gung Ho—work together—a name he had picked up in China where as a Marine intelligence officer he soldiered with the famous Eighth Route Army.

Actually Gung Ho was an ideal old as mankind's struggle for liberty against tyranny and aggression. Carlson's Yankee forebears had it at Concord when they took up muskets to fight for liberty in the American Revolution. It was present, too, in the underground movements of Europe wherever people united democratically to rid their native lands of Fascist aggressors.

ABOLISHED CASTE SYSTEM

There was no caste system in Carlson's Raiders. What was good enough for the lowest Raider private was good enough for the officers who led them.

Evans Carlson believed that men who knew what they were fighting for and why were better soldiers, so he mixed 50-mile forced marches with political indoctrination. He encouraged his men to ask questions. He and his officers gave straight answers. When the Raiders went on a military operation they knew what they were doing and why. Carlson's Raiders were the most feared as well as the best informed fighting organization in the Pacific.

The Raiders proved the effectiveness of Carlson's training technique in their first military action. They kept on proving it right up to the time that the high command broke them up and scattered the battalion's officers and men through the Marine Corps.

They proved it on Makin Island when a handful of raiders wiped out an enemy garrison many times their number. They proved it again on Guadalcanal when Evans Carlson led his men through steaming, fever-ridden jungles, wiping out enemy forces in guerrilla action and finally relieving sorely pressed American troops at Henderson Field.

The three Navy Crosses and the many other military honors he won on the field of battle speak for Evans Carlson, the soldier.

CITIZEN AND SOLDIER

It is Evans Carlson, the citizen, a courageous fighter in and out of uniform for the rights and dignity of man, that I wish to eulogize today.

Evans Carlson, professional soldier, veteran of both World Wars, a by-the-book marine who soldiered in Nicaragua and China, never forgot that he was first and always a citizen. Never did he regard war as an end in itself.

Twice in his lifetime he felt it necessary to lay aside his uniform, and, as an American citizen, go forth and speak out for ideas he believed worth fighting for. The son of a New England clergyman, Evans Carlson was always a deeply religious man.

As a Marine officer he saw native people of Nicaragua fight well and effectively against overwhelming odds for the right to manage the affairs of their own country. Later in China he observed at first hand the heroic struggles of the common people of that nation against aggression. What he saw in China impressed him immensely. So much in fact that he felt it necessary to resign his commission and return to America in a vain effort to rouse his countrymen by speeches and articles to the danger of our short-sighted policies in the Orient—policies that permitted us to ship scrap iron and petroleum to Japan while we wept inky tears over the rape of Nanking.

HE DIED FIGHTING

When he donned his uniform for World War II, Evans Carlson was convinced that he was fighting in the final world conflict.

Wounds, fever, and the tremendous mental and physical strain of nearly 4 years of war that carried him into the thick of battle on Makin, Guadalcanal, Tarawa, Kwajalein, and Saipan hastened Carlson's death. Even his courageous Yankee heart could not withstand such strain.

Yet, as death neared, he had the will and the desire to speak out as a citizen-soldier on issues he believed important to his country's and to all men's welfare. He spoke out strongly against American interference in China and opposed any American policy of dictating in the internal affairs of other nations. He believed, most devoutly, that there should be no barriers between peoples of good faith.

Evans Carlson was a soldier's soldier. He was and always will be an American's American.

EXTENSION OF REMARKS

Mr. POULSON asked and was given permission to revise and extend his remarks.

TREASURY AND POST OFFICE APPROPRIATIONS, 1948

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2436) making appropriations for the Treasury and Post Office Departments for the fiscal year 1948, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. CANFIELD, DIRKSEN, GRIFFITHS, ROBERTSON, GARY, BATES of Kentucky, and WHITTEN.

AMENDING THE NATIONAL LABOR RELATIONS ACT

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 52.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 3020) to amend the National Labor Relations Act, to provide additional facilities for the mediation of labor disputes affecting commerce, to equalize legal responsibilities of labor organizations and employers, and for other purposes, the Clerk of the House is authorized and directed to make the following correction: In the matter in parentheses in the section designated as "Sec. 15" in title I, change the figure "10" to "11."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LODGE, for June 5 and 6, on account of official business.

To Mr. DEVITT, for June 9 to 11, inclusive, on account of official business.

To Mr. SMITH of Ohio (at the request of Mr. MCGREGOR), for 10 days, on account of illness.

HENRY CHUDEJ

The SPEAKER. The Chair lays before the House the following request, which the Clerk will report.

The Clerk read as follows:

Mr. KILDAY requests, pursuant to rule XXXVIII, leave to withdraw from the files of the House papers in the case of H. R. 4526, for the relief of Henry Chudej, individually, and as guardian of Jeanette Jurecek, a minor, Seventy-ninth Congress, no adverse report having been filed thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILLS SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1. An act to reduce individual income-tax payments.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 135. An act to legalize the admission into the United States of Frank Schindler;

S. 565. An act to amend section 3539 of the Revised Statutes, relating to taking trial pieces of coins;

S. 566. An act to amend sections 3533 and 3566 of the Revised Statutes with respect to deviations in standard of ingots and weight of silver coins; and

S. 583. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating buildings therein, and for other purposes.

S. 993. An act to provide for the reincorporation of Export-Import Bank of Washington, and for other purposes;

S. 1022. An act to authorize an adequate White House police force; and

S. 1073. An act to extend until June 30, 1949, the period of time during which persons may serve in certain executive departments and agencies without being prohibited from acting as counsel, agent, or attorney for prosecuting claims against the United States by reason of having so served.

BILL PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 1. An act to reduce individual income tax payments.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House adjourned until tomorrow, Thursday, June 5, 1947, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

738. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to prescribe the measure of damage on account of trespass upon, unlawful use of, and unlawful enclosure of lands or resources owned or controlled by the United States; to the Committee on the Judiciary.

739. A letter from the Acting Chairman, National Mediation Board, transmitting quarterly estimate of personnel requirements for the National Mediation Board, including the National Railroad Adjustment Board, for the quarter beginning July 1, 1947; to the Committee on Post Office and Civil Service.

740. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $500,000 for the Federal Security Agency (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

741. A letter from the Acting Secretary of the Navy, transmitting a report of proposed transfer of Navy equipment to various municipalities and to an American Legion post; to the Committee on Armed Services.

742. A letter from the Secretary of State, transmitting a draft of a proposed joint resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor; to the Committee on Foreign Affairs.

743. A letter from the Acting Secretary of the Interior, transmitting pursuant to section 16 of the organic act of the Virgin Islands of the United States, approved June 22, 1936, one copy each of various legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Public Lands.

744. A letter from the Acting Secretary of the Navy, transmitting a report of a proposed transfer of equipment to the City Commission of the City of Jacksonville, Fla.; to the Committee on Armed Services.

745. A communication from the President of the United States, transmitting a report of the Advisory Commission on Universal Training; to the Committee on Armed Services.

746. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill to redefine the units and establish the standards of electrical and photometric measurements; to the Committee on Interstate and Foreign Commerce.

747. A letter from the Comptroller General of the United States, transmitting report on audit of Federal Prison Industries, Inc., for the fiscal year ended June 30, 1946 (H. Doc. No. 292); to the Committee on Expenditures in the Executive Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 231. Resolution providing for the consideration of H. R. 1389, a bill to amend the Veterans' Preference Act of 1944; without amendment (Rept. No. 512). Referred to the House Calendar.

Mr. ANDREWS of New York: Committee on Armed Services. H. R. 3394. A bill to amend the act entitled "An act to provide for the evacuation and return of the remains of certain persons who died and are buried outside the continental limits of the United States," approved May 16, 1946, in order to provide for the shipment of the remains of World War II dead to the homeland of the deceased or of next of kin, to provide for the disposition of group and mass burials, to provide for the burial of unknown American World War II dead in United States military cemeteries to be established overseas, to authorize the Secretary of War to acquire land overseas and to establish United States military cemeteries thereon, and for other purposes; without amendment (Rept. No. 513). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNUTSON: Committee on Ways and Means. House Joint Resolution 210. Joint resolution to extend the time for the release free of estate and gift tax, of certain powers, and for other purposes; without amendment (Rept. No. 514). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 210. A bill to establish rearing ponds and a fish hatchery

at or near Rogers City, Mich.; without amendment (Rept. No. 515). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 214. A bill to establish rearing ponds and a fish hatchery at or near St. Ignace, Mich.; without amendment (Rept. No. 516). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 215. A bill to establish rearing bonds and a fish hatchery at or near Charlevoix, Mich.; without amendment (Rept. No. 517). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 216. A bill to establish rearing ponds and a fish hatchery; without amendment (Rept. No. 518). Referred to the Committee of the Whole House on the State of the Union.

Mr. REID of New York: Committee on Ways and Means. H. R. 3602. A bill to exempt from admissions tax general admissions to agricultural fairs; without amendment (Rept. No. 519). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committe on Agriculture was discharged from the consideration of the bill (S. 1072) to extend until July 1, 1949, the period during which income from agricultural labor and nursing services may be disregarded by the States in making old-age assistance payments without prejudicing their rights to grants-in-aid under the Social Security Act, and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of Wisconsin:

H. R. 3715. A bill to amend the Federal Power Act so as to provide that the accounts of a licensee or public utility need not be changed when kept in accordance with the laws and requirements of a State, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H. R. 3716. A bill to provide a method of paying unsettled, uninsured claims for damages sustained as a result of the explosions at Port Chicago, Calif., on July 17, 1944, in the amounts recommended by the Secretary of the Navy; to the Committee on the Judiciary.

By Mr. HAGEN:

H. R. 3717. A bill conferring jurisdiction upon the Indian Claims Commission to hear and determine the claims of the Wisconsin Band of Pottawatomie Indians; to the Committee on Public Lands.

By Mr. JACKSON of Washington:

H. R. 3718. A bill to amend section 23 of the Internal Revenue Code to permit deductions from gross income by corporations that turn over their facilities for a period of time to veterans' organizations; to the Committee on Ways and Means.

By Mr. PHILLIPS of Tennessee (by request):

H. R. 3719. A bill to amend the National Service Life Insurance Act of 1940, as amended; to the Committee on Veterans' Affairs.

By Mr. PLOESER:

H. R. 3720. A bill to provide for regulation of certain insurance rates in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FULTON:

H. R. 3721. A bill to provide that beneficiaries of national service life insurance maturing prior to August 1, 1946, may elect to receive the proceeds of such insurance in a lump sum; to the Committee on Veterans' Affairs.

H. R. 3722. A bill to authorize payment of certain personal property claims of military personnel and civilian employees of the War Department or of the Army, or of the Navy Department or of the Navy, in the case of death, to their survivors; to the Committee on the Judiciary.

By Mr. CURTIS:

H. Res. 233. Resolution for the relief of Pearl Cox; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 3723. A bill for the relief of Elbert and Myrtle Eastman; to the Committee on the Judiciary

By Mr. FULLER:

H. R. 3724. A bill for the relief of Joseph Gleason; to the Committee on the Judiciary.

By Mr. GORSKI:

H. R. 3725. A bill for the relief of Harry Tansey; to the Committee on the Judiciary.

By Mr. JONKMAN:

H. R. 3726. A bill for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of war conditions; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H. R. 3727. A bill for the relief of Mrs. Marion T. Schwartz; to the Committee on the Judiciary.

By Mr. OWENS:

H. R. 3728. A bill for the relief of Tomasz Kijowski; to the Committee on the Judiciary.

By Mr. THOMAS of Texas:

H. R. 3729. A bill for the relief of S. C. Gerard; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

603. By Mr. HULL: Petition of the Legislature of Wisconsin, requesting the Congress to pass, at the earliest possible moment, S. 126 or H. R. 1180 or any similar bill relating to the coinage of 50-cent pieces in commemoration of the Wisconsin centennial celebration; to the Committee on Banking and Currency.

604. By the SPEAKER: Petition of members of the State Council of Virginia, Daughters of America, petitioning consideration of their resolution with reference to favoring further immigration restrictions; to the Committee on the Judiciary.

605. Also, petition of the membership of the Tallahassee Townsend Club, No. 1, Tallahassee, Fla., petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

606. Also, petition of H. C. Curtis, West Palm Beach, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 5, 1947

(Legislative day of Monday, April 21, 1947)

The Senate met, in executive session, at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

Our Heavenly Father, if it be Thy will that America should assume world leadership, as history demands and the hopes of so many nations desire, make us good enough to undertake it.

We consider our resources in money and in men, yet forget the spiritual resources without which we dare not and cannot lead the world.

Forgive us all for our indifference to the means of grace Thou hast appointed. Thy Word, the best seller of all books, remains among us the great unread, the great unbelieved, the great ignored.

Turn our thoughts again to that Book which alone reveals what man is to believe concerning God and what duty God requires of man.

Thus informed, thus directed, we shall understand the spiritual laws by which alone peace can be secured, and learn what is the righteousness that alone exalteth a nation.

For the sake of the world's peace and our own salvation, we pray in the name of Christ Thy revelation. Amen.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the legislative proceedings of Wednesday, June 4, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, notified the Senate that Mr. ZIMMERMAN had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 814) to provide support for wool, and for other purposes, vice Mr. FLANNAGAN, excused.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2436) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1948, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANFIELD, Mr. DIRKSEN, Mr. GRIFFITHS, Mr. ROBERTSON, Mr. GARY, Mr. BATES of Kentucky, and Mr. WHITTEN were appointed managers on the part of the House at the conference.